

LE "PADROADO" PORTUGAIS DANS L'INDE ANGLAISE.

DOCUMENTS CONCERNING PORTUGUESE PATRONAGE IN
BRITISH EAST INDIA

By BOMBAY CATHOLIC UNION

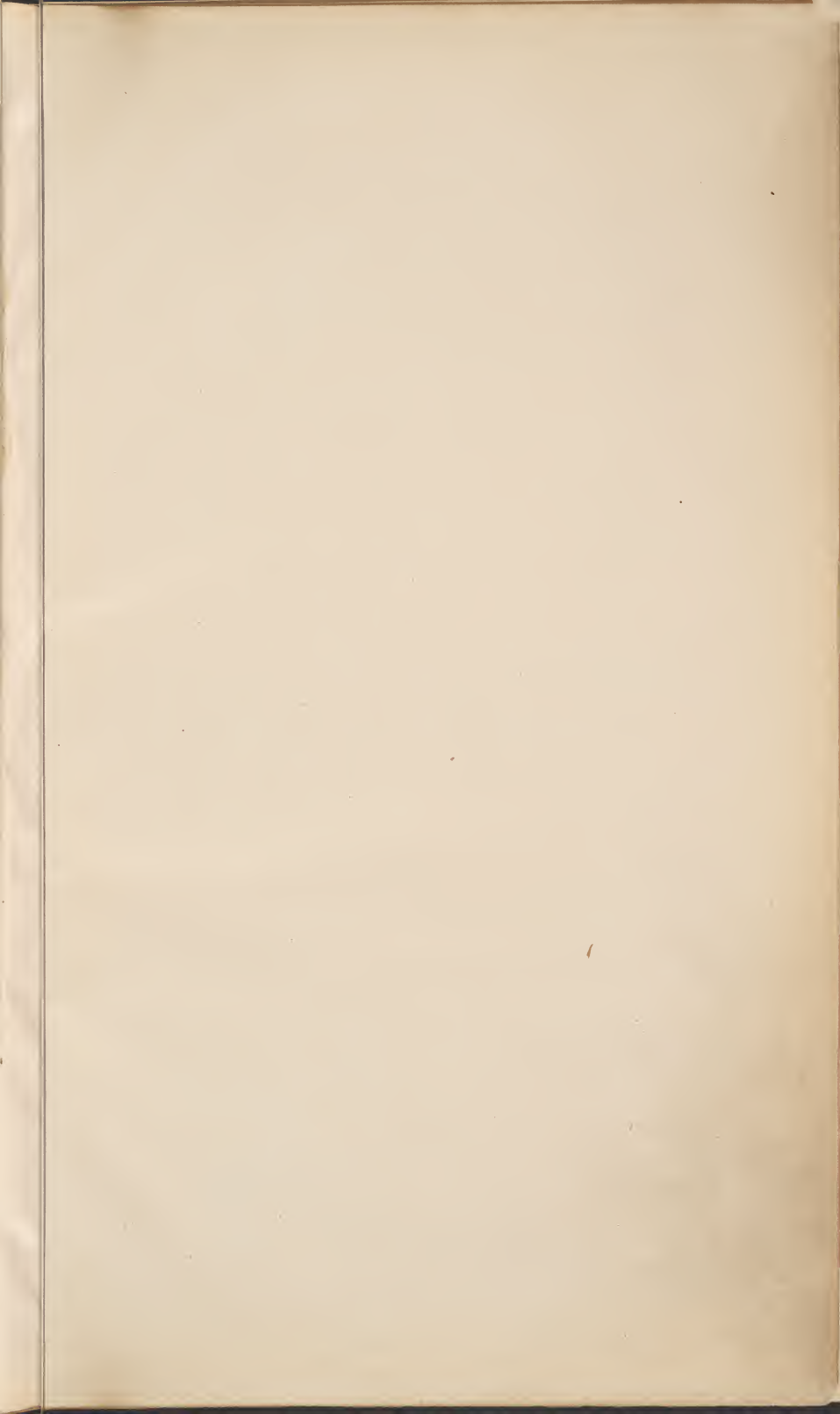
- No.1, Letter to Pope Leo XIII Apr. 1880
No.2, Letter to the Marquis of Salisbury. Apr. 1890
No.3, Letter to the Apostolic delegate in the East Indies
July, 1890

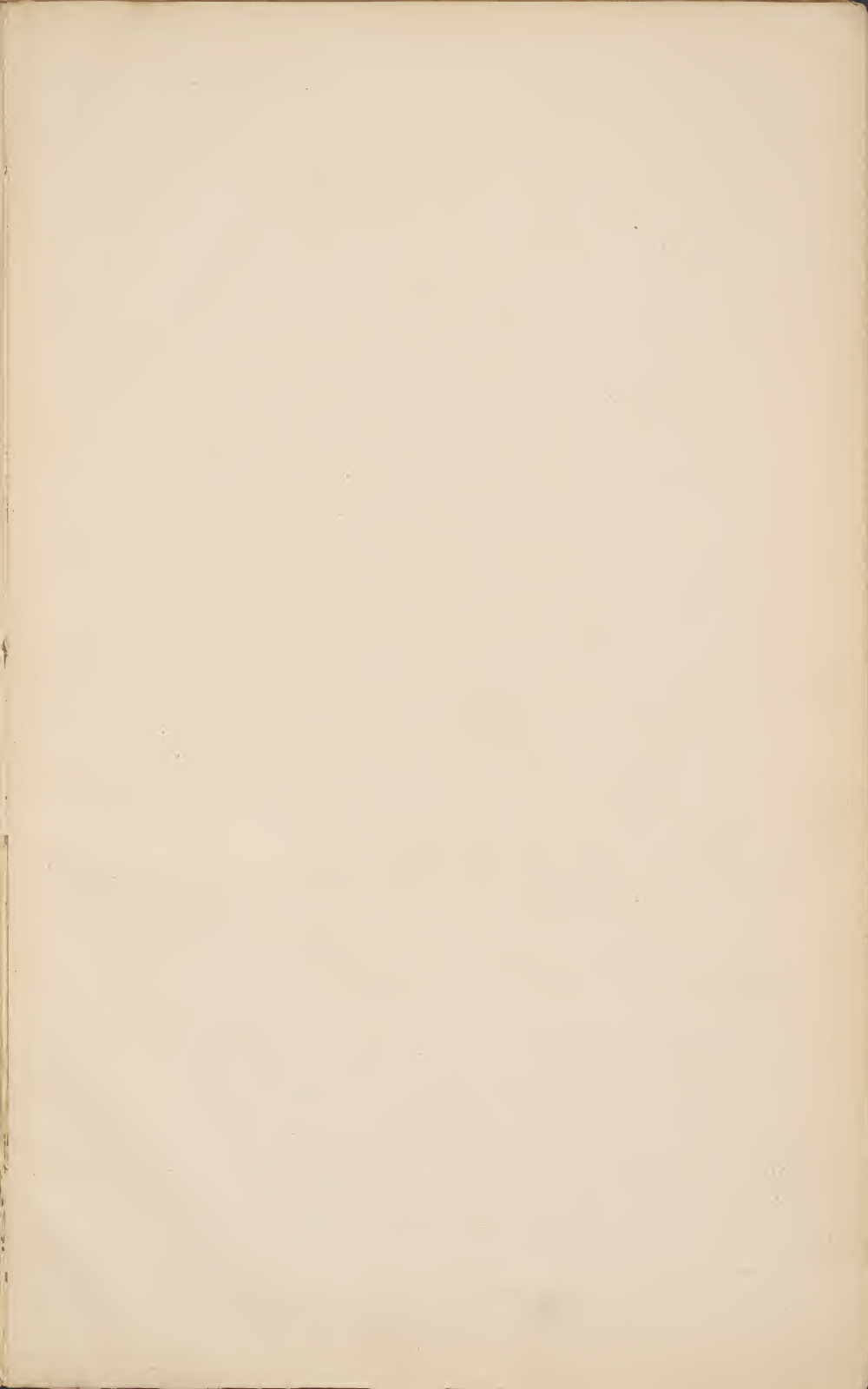
By MADRAS CATHOLIC UNION

- No.4 Le "Padroado" portugais ...Mémoire a...Leo XIII. Dec.
No.5 Letter to the Marquis of Salisbury. Oct. 1890. 1890

Appendices of various documents are included in
the above.





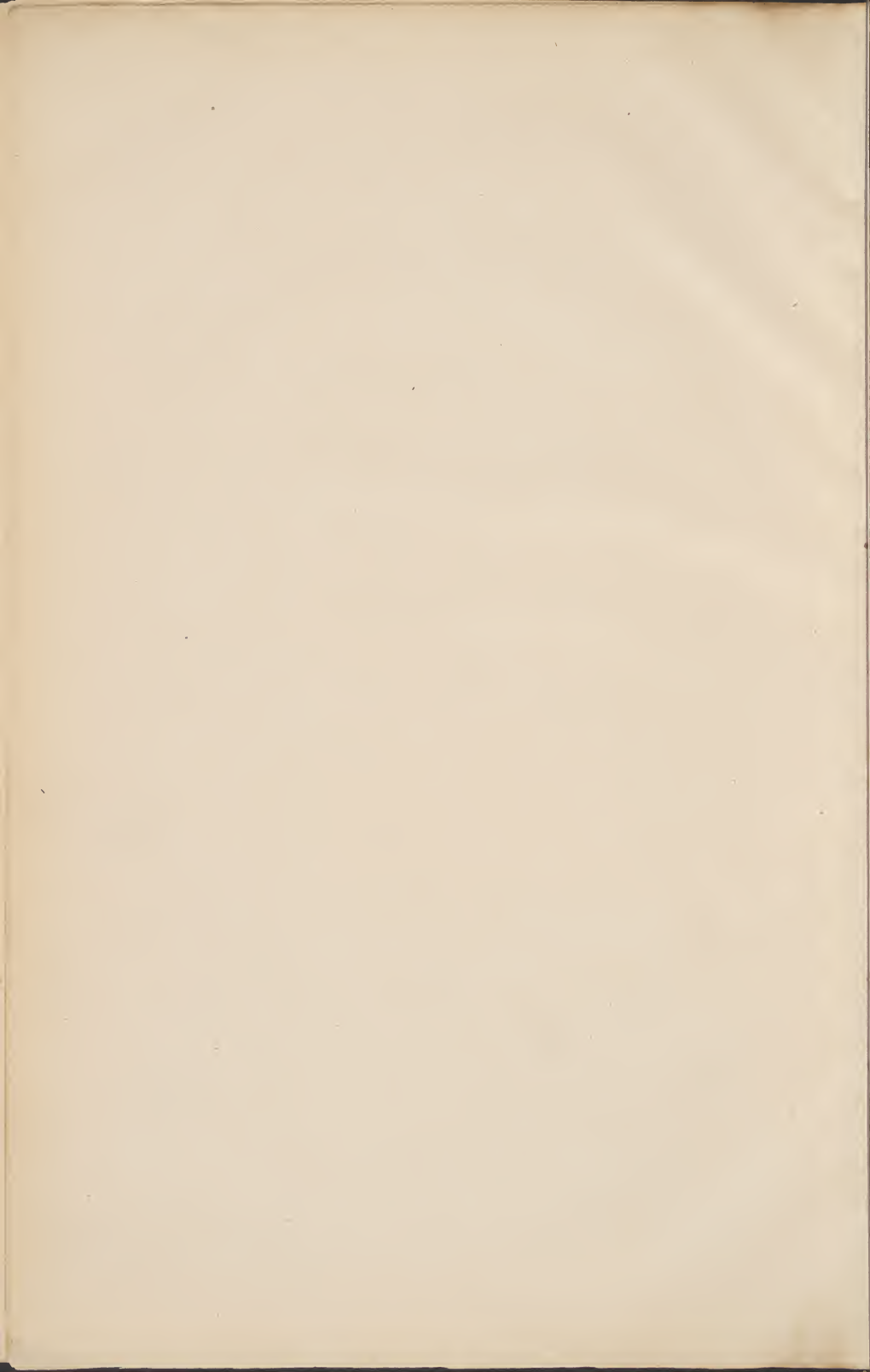


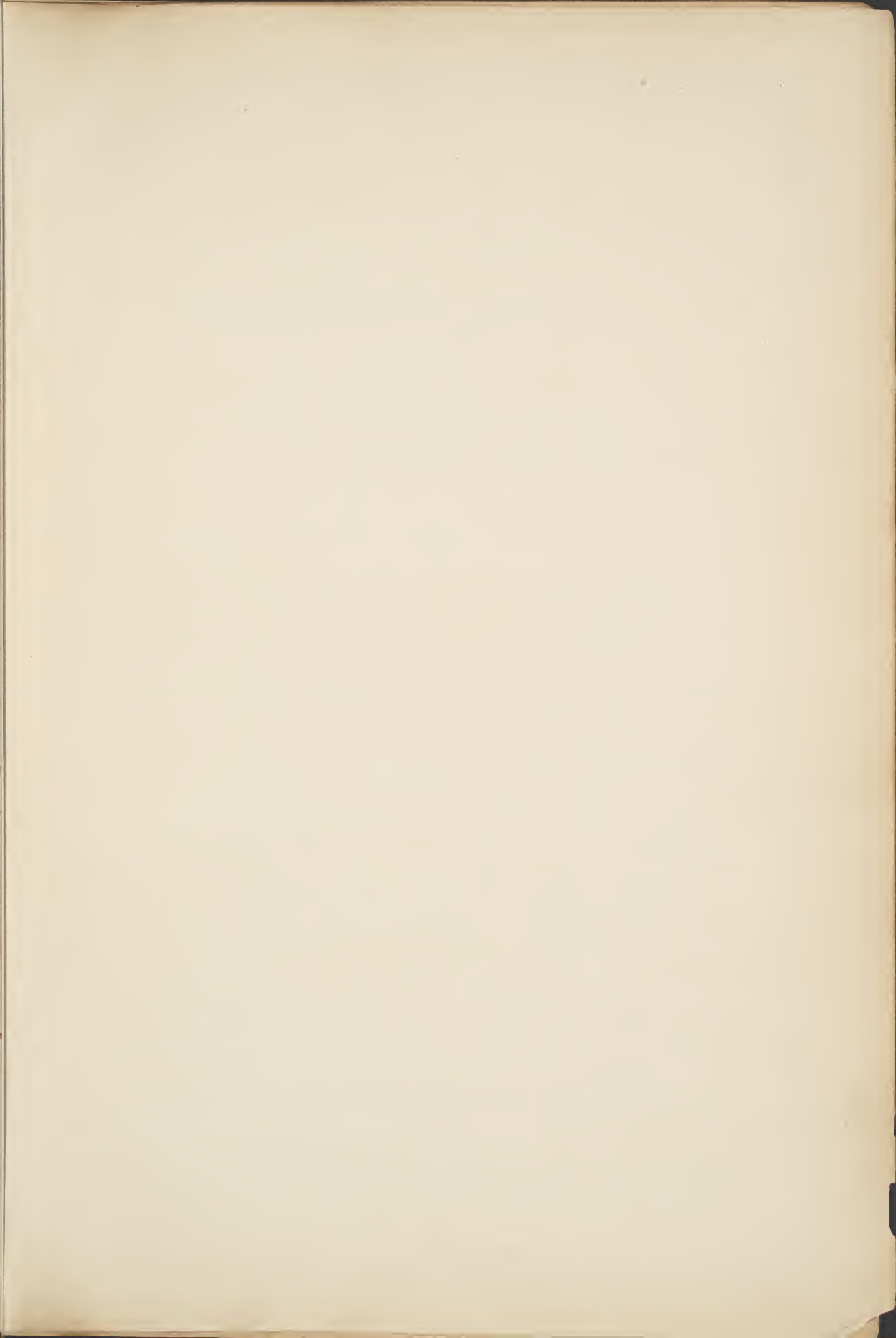


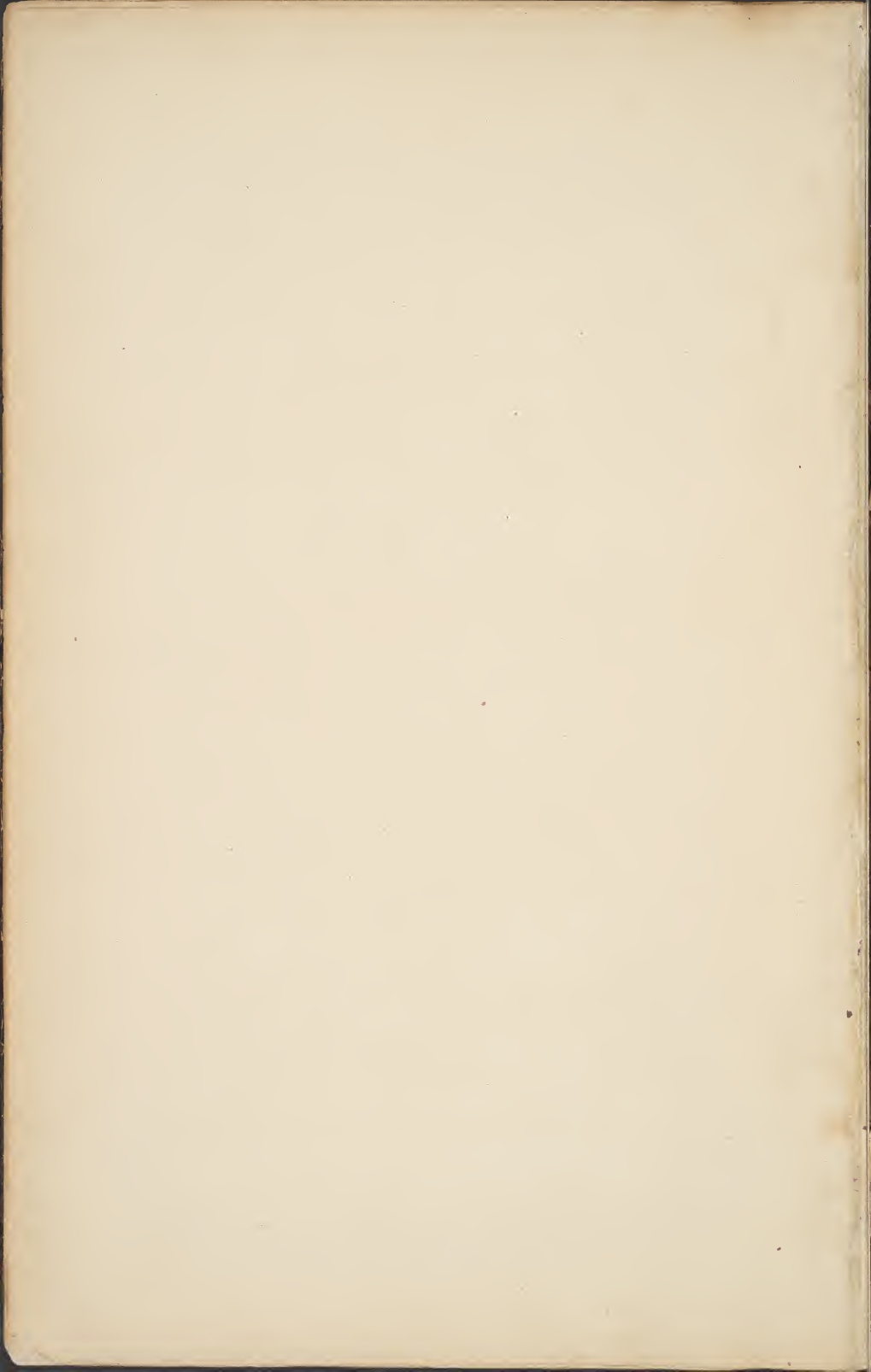












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No. 1

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Bombay Catholic Union
Documents concerning
Portuguese patronage in British E. India

To

His Holiness Pope Leo XIII,

R O M E .

*The humble Memorial of the Catholic British
subjects residing in the Presidency of Bombay
and forming the Bombay Catholic Union.*

MOST HOLY FATHER,

The Bombay Catholic Union humbly and respectfully submits for the consideration of Your Holiness a subject which is of the highest importance for the welfare of religion and for the peace of the Church in the East Indies.

2. This Association is composed exclusively of Catholic laymen who owe allegiance to Her Most Gracious Majesty the Queen-Empress, and it enjoys the patronage and support of the ecclesiastical authorities of the Archdiocese of Bombay and of the diocese of Poona. The promoters of the Association had also the warmest encouragement from the late Most Rev. Dr. Porter, S. J., first Archbishop of Bombay, a prelate whose loss to the Indian Church is keenly felt and universally deplored. The organization includes in its ranks the leading Catholics in this Presidency who are of British birth, as well as the principal representatives of the native Catholic community subject to the Crown of Great Britain and Ireland. It has inaugurated a movement among British Catholic laymen in India which has already led to the formation of a "Catholic Union" in Madras, with the full support of the ecclesiastical authorities of that Province, and it is sincerely hoped that similar Associations will soon be formed in other parts of India, so that before long, all faithful British Catholics may be joined and knit together throughout the whole of this vast Peninsula.

3. Amongst the main objects of this Union, as set forth in its Constitution, are the following :—

- (a) To promote a spirit of love and veneration towards our Holy Father the Pope, and to assert by every lawful means his right of restoration to his temporal sovereignty.

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- (b) To bring together Catholic laymen who are British subjects resident in India, and by their combined action to increase their resources and influence in matters of Catholic interest, whether religious, charitable, social, or educational.
- (c) In conjunction with the ecclesiastical authorities, generally to uphold the interests of the Catholic Church in India.

4. Before entering on the question which has led us to address Your Holiness we desire in the first place to give expression to the sentiments of loyalty and attachment which we entertain towards the Holy See, and to proclaim our sincere affection for, and unwavering devotion to, the sacred person of Your Holiness. Rome, we recognise as the centre of Catholic unity; and to Your Holiness, the successor of St. Peter, we turn as to the Supreme Pastor and Guide to whom has been entrusted by Christ the care and government of His flock on earth. As faithful and devoted children of holy Church we profess our dutiful submission to the voice of the Father of Christendom, and in bringing before Your Holiness our present griefs, our only aim and desire is to see religion flourish, peace restored to the Church, and the establishment of harmonious relations between the various members of the Catholic body in the East Indies.

5. The paternal anxiety which Your Holiness feels for the spiritual well-being of your flock in the Indies has in recent years been strikingly manifested by the mission of Mgr. Agliardi to this country in 1884, and by the appointment of his Excellency's esteemed successor, Mgr. Ajuti, the present Apostolic Delegate, who so well and worthily discharges the high and important duties entrusted to him by Your Holiness. Nor are we unmindful of the singular favour conferred by Your Holiness on the Church in the Indies by the recent establishment of the ecclesiastical Hierarchy,—a great act which has taken us out of our unformed state, and which is destined, as time goes on, to contribute powerfully to the spread and consolidation of our holy Catholic faith. These tokens of the sincere affection which Your Holiness bears towards Your children in the East excite in us feelings of the liveliest gratitude, and encourage in us a strong confidence that the representations which the Catholic Union, as giving voice to the sentiments and desires of the British Catholic subjects, not alone in this portion of India, but throughout the whole extent of the Indian Empire, now humbly submit, will commend themselves to the favourable consideration of Your Holiness.

6. The Concordat concluded in 1886 between the Holy See and the Crown of Portugal has not, we regret to say, realized the happy results which Your

Holiness had in view when ratifying it. Those provisions affecting the right of Patronage in British India enjoyed by His Majesty the King of Portugal are working to the detriment of the best interests of our holy Church, and are a fruitful and ever-recurring source of discord and disunion. We are aware that it was the earnest desire of the Holy See in 1884 to abolish the Portuguese Padroado in the territories outside the jurisdiction of His Most Faithful Majesty, and that the retention of this antiquated privilege in British India was but a concession which it was hoped would serve to further religious peace and the progress of religion,—a hope which, in the event, has unhappily not been fulfilled.

7. The existence of a double ecclesiastical jurisdiction in districts which are territorially one tends to distract and divide the Catholic flock. It is regarded as the symbol of a divided political and spiritual allegiance; it has alienated Catholic community from Catholic community; it has fostered religious animosities and race prejudices; it has disturbed the peace of Catholic families whose members not unfrequently are attached to rival jurisdictions; it has led to social and civil strife; and it has grievously scandalized the non-Christian peoples by whom we are surrounded. Before the eyes of non-Catholics, the Church is divided into two hostile camps, vulgarly called "Padroadists" and "Propagandists," the oneness of the Catholic communion is broken; Padroadists and Propagandists are regarded as two distinct sects, having antagonistic interests and with no common bond of union between them. We may here appropriately apply the language of Your Holiness's august Predecessor, Pius IX, of happy memory, who writing on the 3rd August, 1864, to His Most Faithful Majesty Don Luis appealed to him to remove those serious difficulties which impeded the fulfilment of the Concordat of 1857. "The Concordat," says that illustrious Pontiff, "was to inaugurate an era of peace and tranquillity for the Catholic Church in India. This was in fact the object which We and the august Predecessor of Your Majesty had in view when we concluded and ratified the same. Now as long as the false notions which upset Our authority, and that of Our Congregations are not withdrawn, but are allowed to prevail with impunity in India, as long as the force and authority of Our Decrees and Our Briefs are not publicly recognized by all, and in particular by the agents of the Government, as long as the publication of books and pamphlets of subversive tendencies and anti-Catholic principles is left unpunished, as long as the ecclesiastics who foment division, calumniate Our Vicars are not recalled to their duty,...it will be not only utterly impossible to consolidate the peace, but also new and more dangerous germs of an interminable and disastrous struggle must shoot forth....Finally, a last and very

important declaration is here necessary in order to secure more and more the object of the Concordat. Your Majesty cannot be ignorant that Our Predecessors, and on different occasions We Ourselves, have had the displeasure to be obliged to reprove and condemn not a few enactments and laws published there to the prejudice of the Church, and in violation of her most sacred rights. Above all have been reprov'd and condemned the laws on the *Royal Placet* which put obstacles to the free intercommunion between the faithful and the Head of the Church, and prevent the free execution of Pontifical Decrees." In this memorable Letter the same venerable Pontiff qualified the Padroado as "an extraordinary indulgence," "a usurped jurisdiction," "a most singular privilege which in regard to the places under foreign dominion in which it is exercised, and to the combination of circumstances, has no parallel in the history of the Church."

8. Your Holiness Yourself in Your letter, dated 6th January, 1886, to H. M. the King of Portugal, used the following words regarding the double jurisdiction in India.--"Quum velimus igitur et Majestati vestrae, et Lusitanae Genti rem pergratam facere, Propositionem confecimus, quam publico Lusitanae Oratori, summis Regni Administratoribus exhibendam, dedimus; quaque avitis Lusitanae traditionibus legitimisque juribus, quatenus cum Hierarchiae constitutione et Religionis bono in illis Indiarum regionibus consociari queant, per Nos satisfactum fuisse videtur: quibus quidem iisdem Indiarum populis per duplicis in eodem solo Auctoritatis institutionem consuli, ut par est, nequaquam posset: jamque hac super re Praedecessor noster Gregorius XVI in suo Brevis, die 6 Januarii an. 1837, edito, sententiam tulit: "A Nobis duplicem in urbe Calcuttae auctoritatem creari non expedit, quod neque Ecclesiae mos patitur, nec paci et unitati fovendae idoneum foret." The weighty words of Gregory XVI, of happy memory, herein quoted by Your Holiness are as applicable to Bombay and other parts of British India as they were to Calcutta.

9. By the recent Concordat a considerable portion of the Bombay Presidency was included in the territory constituting the newly created diocese of Damaun. The vast majority—more than three-fourths—of the spiritual subjects of the Portuguese prelate who rules that extensive diocese are native-born subjects of Her Britannic Majesty. They constitute the indigenous Christian population; they have no political or social sympathies with the immigrant Goanese, who entering this portion of British India in pursuit of employment, rarely settle down as permanent residents. Their political, social, and educational interests are entirely distinct from, nay, to some extent, antagonistic to, those of the Goanese Christians subject to the King of Portugal. They form a numerous body now known under the name of the East Indian community—

a designation they have adopted that they may more readily be distinguished from the Goan Portuguese. They consider it a grave hardship to be placed under the spiritual authority of Prelates who are nominated by a Sovereign to whom they are bound by no ties of temporal allegiance,—nominated by the Ruler of a country that may at any moment be in open and declared hostility to the Government under which they live, to whose laws they feel it their duty to render obedience, and whose rights and privileges they are, as loyal subjects, bound to inviolably maintain and defend. The opinions and wishes of the East Indian Catholics of this Presidency on the question of the Royal Patronage, have been fully developed in the Memorial which they recently forwarded to Your Holiness through His Excellency Mgr. Ajuti, the Apostolic Delegate.

10. Portuguese Prelates and Portuguese priests aim, as is but natural, to promote the temporal interests of the country with which they are connected both as subjects and as dependents of their Royal Patron ; East Indian Catholics, on the other hand, out of gratitude and affection to the Government which protects them, and under whose benign sway they enjoy the fullest measure of civil and religious liberty, are devoted and loyal subjects of Her Britannic Majesty : hence they consider it most undesirable that any foreign temporal potentate should have any right to mix or meddle in their ecclesiastical affairs. His Most Faithful Majesty's Patronage, even if it could be efficacious, is altogether superfluous ; British Catholics in India enjoy the most complete religious freedom in common with all classes of their fellow-subjects—a liberty guaranteed to them under the Proclamation of the Queen-Empress of these realms.

11. We need not dwell on the financial incapacity of Portugal adequately to discharge the duties incumbent on her in connection with the exercise of the Royal Padroado ; nor is it necessary that we should point out the glaring inconsistency of a Government which affects a solicitude for the progress and development of religion in the East, whilst at the same time it expels the Religious Orders, confiscates their property, and places every obstacle in the way of the ordinary and regular administration of the Church at home.

12. The miserable and most lamentable state of ignorance in which the large Christian populations of territories in British India subject to the Portuguese Patronage have been allowed for generations to live and die cannot but be too well known to your Holiness. Many of the native Catholics are, unhappily, but Christians in name. Without opportunities of receiving instruction in the principles of their faith they grow up in the greatest ignorance of their religion, adopt the manners and heathenish customs of those around them, and

in the end not unfrequently lapse into paganism. Those amongst them who have the means are obliged to send their children to schools which are under the missionaries of the Propaganda: and even Goanese who desire an English or superior education for their children have no alternative but to place them in establishments conducted or maintained by the European clergy, the Royal Patron being either unable or unwilling to afford educational facilities for the religious or secular instruction of those whom he is supposed to protect. There are, it is true, a few educational establishments in the island of Bombay and in the districts of Salsette and Bassein but the teaching staff is largely pagan, and of course, the training in such institutions cannot be considered satisfactory from the religious point of view, nor can such schools adequately fulfill the objects which a Catholic educational system aims at achieving.

13. We may also be permitted to point out to Your Holiness that many of the clergy of the Padroado in British India are wanting in those Apostolic qualities by which missionary priests should be distinguished. What His Holiness Pius IX wrote of the Goanese clergy in 1864, to His Majesty Dom Luis, is, in some cases, equally true in our day. "Your Majesty knows full well," observed the venerable Pontiff, "how arduous and difficult is the task of the Catholic clergy in the vast dominions of the East Indies. An innumerable people buried in the darkness of paganism, a considerable remnant of schismatics of an Oriental rite obstinately holding to their errors, a number of dissident sects established and protected by a Protestant Government and helped by wealthy institutions for the instruction and education of youth, handsome private resources, and numerous ministers; all these are circumstances which absolutely demand in the Catholic clergy in India quite special and extraordinary qualities, an uncommon spirit of self-denial and disinterestedness, refined science, an exemplary purity of life, and an active zeal which renders the ministers of the Lord fearless in dangers and ready even, if required, to shed their blood for the propagation of the Faith."

14. On these amongst other grounds Catholic British subjects protest, and have always protested, against the existence of the Portuguese Padroado in British territory; and it is only the deep veneration they entertain for Your Holiness and their spirit of obedience to the voice of the Vicar of Christ has induced them to submit to a foreign spiritual domination which, as subjects of the British Crown, they keenly resent, and which, as true Catholics, they cannot but regard as disastrous to the best interests of the Church.

15. Other considerations also urge us to seek the abolition of this institution which, in the language of Your Holiness's predecessor, "has no parallel in

the history of the Church." We consider it an intolerable abuse that in spiritual matters the children of the Catholic Church should be taught to look for guidance and advice to any other authority than that of the Supreme Head of Christ's kingdom upon earth. The ecclesiastical history of India in recent years affords but too painful evidence of the grave injury inflicted on religion by the public repudiation, on the part of several of the Padroadist clergy and many of those to whom they minister, of the obligation they are under to render respect and obedience to the voice of the Sovereign Pontiff. Designing and unscrupulous men have encouraged a spirit of resistance to the ordinances and decrees of the Holy See; the Catholic people have been taught to appeal to the Royal Patron as the ultimate authority in questions of ecclesiastical discipline; and while the ringleaders and promoters of religious disturbance have professed an affected submission to the Roman Pontiff they have stimulated revolt against Pontifical decisions, on the pretext that such decisions had not the *placet* of His Most Faithful Majesty. Within the past few years we have, to our great sorrow, seen the scandal which has been caused by those who have taken on themselves to champion the Royal Patronage. At excited meetings of the Goanese community in various parts of British India addresses were delivered in which the action of the venerable Congregation of Propaganda was vigorously denounced, in which the most unworthy motives were attributed to the Holy See, and in which most un-Catholic sentiments were openly and ostentatiously proclaimed. The Padroadist Press has fanned the flame of religious dissension; it has never ceased to load with insult and contumely the missionary clergy and Prelates of the Propaganda; and it has even dared presumptuously to contest the rights and prerogatives of the Sovereign Pontiff himself. This has happened, and is daily happening before our eyes, without a word of public rebuke or remonstrance from the ecclesiastical authorities of the Padroado in British India.

16. Nor can we forget the grievous scandal occasioned not long since by the same organs of the Royal Patronage when his Eminence the Cardinal Secretary of State deemed it his duty to visit with his censure an erring Padroadist journal of Bombay. His Eminence's charitable advice was scornfully rejected, and the doctrine of his circular contemptuously criticised, the conductors of the journal in question asserted their independence of ecclesiastical interference, and boldly avowed their purpose to maintain in the future the doctrines and line of action which the Cardinal Secretary had severely condemned. The violent language in which principles most derogatory to the authority of the Holy See and of the ancient and venerable Roman Congregations were audaciously advocated inflamed the minds

of simple, uneducated people ; its obvious and intended effect was, to detach them from the allegiance they owe to the Chair of Peter, and to cause them to look to Lisbon and not to Rome for light and guidance in ecclesiastical affairs. It is to be deplored that the Cardinal Secretary's Rescript has never been published in the diocese of Damaun ; the ground of its non-publication being that it has not received the Royal *placet*. In the same manner the Decrees of the Sacred Congregations of the Propaganda and of Extraordinary Ecclesiastical Affairs, dated 25th September, 1888, regarding the regulation of the double jurisdiction in India, have till this day not been published in the Churches subject to the Portuguese jurisdiction in British India, owing to the same excuse, viz., the non-reception of the Portuguese Royal *placet*. By these means numbers of British subjects are, by the action of the Portuguese Government deprived of free communication with Your Holiness and with the centre of Catholic unity. Against these unlawful proceedings and against the disrespectful and injurious language employed by the fomentors and abettors of insubordination, Catholic British subjects have energetically protested ; they repudiate in the strongest manner the anti-Catholic principles which the supporters of the Padroado have endeavoured to propagate, and they desire to assure Your Holiness of their unalterable attachment to the Holy See, and of their ready submission to the teachings and decisions which come to them with the approval of the Sovereign Pontiff.

17. The agitation which has been promoted in Bombay and elsewhere in India for the maintenance of the Padroado has been originated by a noisy faction who have no representative position, who to serve their own private ends have sought to weaken the bonds which should unite the Goanese Catholics to the Holy See, and to excite in the minds of their simple and illiterate dupes most unjust prejudices against the missionaries of the Propaganda, whose labours for the promotion of religion are a subject of admiration for even non-Catholic observers. In this agitation Catholic British subjects have taken no part : on the contrary, they have been careful to show that they have no sympathy whatever either with the object at which the agitators aim, or with the violent and anti-Catholic language employed by them when referring to the Sovereign Pontiff or the Congregations through whom his decisions are communicated to the faithful. Nor do those disturbers of religious peace really represent the opinions of the majority of the Portuguese subjects resident within British jurisdiction. The Goanese immigrants in British India are favourably disposed towards the missionaries who are labouring under the authority of Propaganda ; they would, we are satisfied, unhesitatingly conform

to the decisions of the Holy See, if required to submit to the jurisdiction of the Prelates who come to India under the immediate and direct appointment of Your Holiness. In this Archdiocese and in other dioceses of India, they frequent the churches in which the Propaganda clergy minister, they send their children to the Colleges and schools conducted by the Propaganda missionaries, and they gladly avail themselves of the advantages offered by the orphanages and charitable institutions maintained by the same missionaries.

18. In illustration of this statement we may mention that in the Colleges and Schools so ably conducted by the zealous Jesuit Fathers in Bombay, of the total number of Christian students in attendance upwards of 1,000 are the children of Goanese immigrants, and of this number more than 850 receive their education gratis, or at considerably reduced fees. Even from Goa itself many students come to receive their intellectual and religious training in the Jesuit institutions. These facts are a sufficient proof that the Portuguese Catholics do not regard the Propaganda missionaries with aversion, as the upholders of the Royal Patronage would fain induce Your Holiness to believe.

19. The international and political aspects of the Padroado are fully dealt with in the Memorial which, as British subjects, we have addressed to His Lordship the Marquis of Salisbury, Secretary for Foreign Affairs and Prime Minister of Her Majesty the Queen-Empress. A copy of this Memorial accompanies this humble address to Your Holiness, and we entertain the sanguine hope that the British Government may, at last, on the representation of its own subjects, bring before Your Holiness the question of the Portuguese Royal Patronage in British territory, and may by direct negociation, co-operate with Your Holiness in securing religious peace in India on a firm and stable basis.

20. Remembering the many and grave evils which in the past have attended the exercise of the Royal Patronage in British India, and being witnesses of the scandals which, in our own day, owe their origin to this "usurped jurisdiction"; seeing the dissensions it occasions in individual families and amongst Christian communities in this Archdiocese as well as in several other dioceses of the Indian Church; dissensions and scandals which its continuance is certain to perpetuate to the ruin of many souls, and convinced of the great obstacle which the Padroado has long proved to the propagation of our holy Faith, the Bombay Catholic Union, representing the views and wishes of Catholic British subjects generally, humbly prays that Your Holiness may be graciously pleased to have such alterations made in the Concordat of 1886 that the double jurisdiction shall no longer prevail in the territories subject to the

Crown of Great Britain and Ireland ; that the Royal Patronage be confined to Portuguese territory, and that immigrant Goanese Catholics within the dominions of Her Britannic Majesty be placed under the jurisdiction of the Ordinary of the diocese in which they may happen to be temporarily located.

21. From such an arrangement many advantages are certain to accrue : the spiritual needs of Catholic British subjects on whose behalf we address your Holiness, will be more fully and effectively provided for, Catholic education will receive that careful attention which this all important matter deserves, rivalries and dissensions amongst Christians of the same communion will in time die out, and no more scandalize the heathen communities around us ; the foundations of a durable peace will be thereby laid ; and the Catholic Church in British India, no longer presenting the sad spectacle of "a house divided against itself" will be able to pursue her mission of evangelization and civilization, uninterrupted by civil interference, and unfettered by a State protection which, having long since ceased to be beneficial, has become one of the greatest impediments to the spread of our holy religion and to the maintenance of ecclesiastical discipline.

This humble Petition is forwarded for the gracious consideration of Your Holiness, through His Excellency Monsignor Ajuti, Apostolic Delegate in the East Indies. In conclusion, the Bombay Catholic Union prays that the Almighty may bless Your Holiness with long life and strength to discharge the duties of Your sacred and exalted office, and to defeat the machinations of the enemies of the Church, and it implores the blessing of Your Holiness on itself and the faithful Catholics whom it represents.

Forwarded, with the deepest respect,

Through H. E. MONSIGNOR AJUTI,
Delegate Apostolic in the East Indies.

BOMBAY, }
April 1890. }

Joint Honorary

Secretaries.

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Au très honorable Marquis de Salisbury,

CHEVALIER DE LA JARRETIÈRE SECRÉTAIRE D'ÉTAT POUR L'INDE.

*Mémoire des Catholiques sujets de Sa
Majesté Britannique de la Présidence
de Bombay.*

EXCELLENCE,

1. Les signataires de ce mémoire forment le Conseil de l'Union Catholique de Bombay : cette association, qui a des ramifications à Poona et à Karwar, a été récemment établie dans la Présidence de Bombay, dans le but de représenter les vues et les intérêts des sujets catholiques, soit Européens, soit natifs, de Sa Majesté la Reine-Impératrice de l'Inde.

2. Les susdits loyaux sujets de Sa Majesté, ayant pleine confiance dans le désir et le pouvoir qu'a le Gouvernement de Sa Majesté de leur assurer la même exemption de toute ingérence civile dans leur culte religieux que celle dont jouissent leurs co-réligionnaires dans les autres dépendances de la Couronne d'Angleterre, demandent humblement qu'il leur soit permis d'appeler l'attention de Votre Excellence sur les clauses d'un Concordat qui a été signé, le 23 Juin 1886, entre le Saint Siège et Sa Majesté le Roi de Portugal, relativement à l'Eglise Catholique dans l'Inde et à Ceylon.

3. Les principales clauses du susdit Concordat sont les suivantes : (Une traduction du texte principal de ce document est annexée à ce mémoire, Appendice I.)

- (1) Le Patronage ecclésiastique (appelé en Portugais *direito do Padroado*, c'est à dire, droit de Patronage), réclamé par la Couronne de Portugal dans les Indes Orientales, est reconnu par ce document dans certaines parties de l'Inde Anglaise.
- (2) L'Archevêque de Goa, dans les possessions Portugaises, doit avoir le titre de Patriarche de toute l'Inde et de Ceylon ; tous les Conciles de l'Eglise Catholique dans l'Inde et à Ceylon devront, règle générale, se tenir à Goa, sous la présidence du dit Archevêque, dont le diocèse doit comprendre une grande étendue de territoire Anglais. (cf. l'Art. II.)

- (3) Cet Archevêque, qui ne réside pas sur le territoire Anglais, doit exercer la juridiction de Métropolitain sur les trois Diocèses de Damaun, Cochin et Mylapore ou St. Thomé (Madras), qui font entièrement partie du territoire Anglais, à l'exception de deux petits lambeaux du côté de l'Ouest (Damaun et Diu) (cf. Art. III.)
- (4) Le Roi de Portugal doit nommer non seulement l'Archevêque de Goa, mais encore les trois évêques des diocèses désignés dans l'article précédent. (cf. Ari. IV.)
- (5) En outre, au Roi de Portugal est accordé un privilège plus restreint, mais non moins réel, celui de nommer l'Archevêque de Bombay et les Evêques de Mangalore, de Quilon et de Madura (cf. Art. VII.)

4. Il importe de remarquer que le diocèse de Damaun comprend une partie de la Ville de Bombay elle même, tandis que celui de Mylapore renferme également une partie de la Ville de Madras. Par suite de la mort récente et prématurée du très Révérend Docteur G. Porter, S. J., qui était le premier Archevêque de Bombay depuis l'établissement de la hiérarchie Catholique dans les Indes Orientales, les clauses de l'Art. VII du dit Concordat, (mentionné plus haut clause 5 du paragraphe 3), sont en voie d'exécution. Sa Majesté le Roi de Portugal réclame, en conséquence, actuellement le droit de nommer un Archevêque dont le Siège est entièrement sur le territoire Anglais et qui ne doit exercer sa juridiction que sur des sujets Anglais.

5. Les signataires de ce mémoire ont l'honneur de vous faire remarquer que toutes ces prétentions du Gouvernement Portugais d'intervenir dans les affaires ecclésiastiques de l'Inde Britannique sont mises en avant par la couronne de Portugal, sans le moindre égard pour le Gouvernement de Sa Majesté la Reine-Impératrice, qu'elles ne sont compatibles ni avec le droit international, ni avec l'équité et la raison, qu'elles sont attentatoires aux droits de la couronne d'Angleterre, et que dans des circonstances point du tout chimériques, elles pourraient facilement devenir un élément de danger politique. Les soussignés n'ignorent pas que ces divers points, à différentes époques, ont été portés déjà à la connaissance du Gouvernement de Sa Majesté; mais ils osent appeler l'attention de Votre Excellence sur ce fait, que c'est la première fois dans l'histoire de l'Inde Britannique qu'un Mémoire sur ce sujet a été préparé par un corps représentatif de sujets Anglais catholiques tant Européens que natifs, et que les anomalies et les dangers signalés plus haut, ont acquis une nouvelle et plus large signification depuis que le Concordat en question a été conclu.

6. En outre, les signataires de ce mémoire désirent qu'il soit bien compris qu'en leur qualité de catholiques fidèles et loyaux, ils n'entendent pas attaquer les motifs ou la manière d'agir du Saint Siège et de leurs autorités ecclésiastiques en cette matière. D'après l'histoire du Padroado Portugais dans l'Inde (qui est donnée plus loin), et d'après les sentiments exprimés par plusieurs Papes à ce sujet, ils savent parfaitement quels sont les véritables sentiments de Sa Sainteté le Pape Léon XIII par rapport aux prétentions de la couronne de Portugal. D'ailleurs il n'est pas naturel que Sa Sainteté ait de plein gré fait à Sa Majesté le Roi de Portugal l'abandon de cette parfaite liberté d'action dont l'Eglise catholique jouit dans toutes les autres parties des Etats de Sa Majesté la Reine-Impératrice, ou qu'il ait volontairement cédé aux importunités d'un prince étranger, qui, contrairement à tout droit international, prétend exercer un patronage ecclésiastique dans les Etats d'une autre nation, sans la permission ou le consentement du Gouvernement de cette nation.

7. Les sentiments des soussignés touchant le côté religieux et ecclésiastique de cette question apparaissent suffisamment dans l'humble représentation qu'ils ont envoyée à Sa Sainteté le Pape, et dont une copie accompagne ce mémoire. Ils veulent seulement appeler l'attention de Votre Excellence sur la "double juridiction" (celle des évêques nommés directement par le Saint Siège, et celle des évêques nommés par Sa Majesté le Roi de Portugal), la quelle a été reconnue et maintenue par le présent Concordat. Cette "double juridiction" a fait et fait encore un grand tort à la paix religieuse parmi les Catholiques de l'Inde Anglaise. Deplus, elle est une source de confusion en matière d'administration touchant les aumôneries, les écoles, les hôpitaux, les cimetières, etc.; car les autorités Anglaises se trouvent en beaucoup de cas en présence non pas d'une, mais de deux juridictions catholiques romaines dans un seul et même District ou dans une seule et même ville.

8. Du reste, comme il sera démontré par les documents cités ci-après, le Gouvernement Anglais n'a jamais reconnu, mais a toujours entièrement dédaigné les droits ecclésiastiques de la Couronne de Portugal dans l'Inde Anglaise. Le Gouvernement cependant n'a pas jusqu'à présent cru nécessaire de déclarer nettement qu'il ne tolérera plus désormais aucune prétention de la part de Sa Majesté le Roi de Portugal à être considéré comme "le protecteur et le Patron de l'Eglise catholique romaine dans l'Inde Anglaise," et qu'il ne permettra pas à ses agents, comme tels, d'avoir juridiction sur les sujets Anglais résidant sur le territoire Anglais. Les signataires de ce mémoire représentent très respectueusement que le temps est maintenant venu pour le Gouvernement de Sa Majesté de faire une déclaration formelle en ces termes à Sa Majesté le Roi de Portugal.

Par une telle déclaration, l'anomalie et l'anachronisme de la couronne de Portugal, revendiquant le droit à un tel titre dans l'Inde Anglaise, cesseront d'exister, et le Concordat, qui est basé sur ces prétentions, deviendra *ipso facto* nul et sans valeur.

9. Les signataires de ce mémoire ont la ferme confiance que, pour tous les considérants détaillés ci-dessous, Votre Excellence verra facilement le moyen de recommander l'adoption d'une méthode si simple et si efficace de sauvegarder l'honneur de la couronne d'Angleterre, de défendre les droits des sujets Anglais, et de coopérer avec Sa Sainteté le Pape Léon XIII pour assurer la paix religieuse et le progrès parmi la population catholique romaine des états de Sa Majesté dans l'Inde Anglaise.

(II Partie.—Resumé historique Paragraphes 10 à 17.)

10. Avant que les soussignés indiquent en combien d'autres manières le Gouvernement de Sa Majesté et les sujets de Sa Majesté sont injustement atteints par ces prétentions de la couronne de Portugal dans l'Inde Anglaise, il est à propos de donner une courte notice historique des rapports de l'Eglise catholique dans l'Inde avec le Portugal, afin d'expliquer la situation présente, et de montrer que le Gouvernement Portugais n'a absolument aucun fondement politique ni même moral pour baser les droits qu'il réclame sur le territoire britannique.

11. Au 16^e Siècle, le Saint Siège, en considération des efforts faits par la couronne de Portugal pour la religion catholique en Orient, lui accorda le titre de "Protecteur et de Patron des Eglises catholiques" dans l'Inde et les autres contrées de l'Orient, avec le privilège de nommer les évêques et les ecclésiastiques de l'Eglise catholique romaine dans l'Orient ("Padroado," droit de Patronage).

12. Au 17^e Siècle, cependant, la domination Portugaise tomba devant les Hollandais, et par les conquêtes de ses voisins et la cession de Bombay aux Anglais en 1661, les possessions de la Couronne de Portugal dans l'Inde furent tellement réduites, qu'à présent elles comprennent seulement le territoire entourant immédiatement Goa (population d'environ 390,000 âmes en 1877), et les établissements insignifiants de Damaun et de Diu, tous situés sur la côte Occidentale de l'Inde.

13. Même dès le 17^e Siècle la Couronne de Portugal devint incapable de fournir aucune protection aux chrétientés situées en dehors son territoire actuel, et par conséquent la raison fondamentale des amples privilèges accordés par le Saint Siège cessa d'exister. Deplus, la couronne de Portugal ne fournit plus les

prêtres et les allocations nécessaires aux missions catholiques en Orient, et le Saint Siège, pour sauver la religion chrétienne d'une extinction graduelle dans ces contrées, se vit forcé d'envoyer en Orient des évêques avec le titre de Vicaires Apostoliques, et des missionnaires, sans en référer au Portugal ; et il a continué d'en agir ainsi jusqu'à nos jours, en dépit de l'opposition et des embarras créés par les autorités Portugaises.

14. A fin de remédier aux dissensions causées parmi les catholiques de l'Inde par la continuation du "Padroado" Portugais le Saint Siège conclut un Concordat avec la Portugal en 1857. Cette convention reconnaissait les prétentions de la Couronne de Portugal sur toute l'étendue de l'Inde, et naturellement elle avorta. Le 23 juin 1886, le Concordat actuel fut signé, concédant au Portugal la plupart de ses prétentions. Enfin, le 1^{er} Septembre 1886, une hiérarchie catholique fut établie dans toute l'Inde par le Pape Léon XIII, et les affaires ecclésiastiques furent mises sur un pied régulier, autant du moins que le permit le Gouvernement Portugais.

15. A l'exception des îles de Bombay et de Salsette, on n'allègue même pas que ces prétentions de la couronne de Portugal sur l'Inde aient reçu la moindre sanction diplomatique du Gouvernement Britannique. Pour ce qui regarde Bombay et une partie du territoire environnant, les défenseurs du Patronage Portugais soutiennent parfois que ces droits furent reconnus et garantis par le Gouvernement Anglais dans le "Marriage Settlement treaty" de 1661, et par les termes mêmes aux quels Bombay fut cédé à l'Angleterre, en 1665.

16. Ces prétentions ont été cependant rejetées, dès le début et en toute circonstance, à la fois par le gouvernement de sa Majesté Britannique et par les autorités Anglaises de l'Inde ; c'est ce qui est clairement démontré par les arguments qui suivent :

- (1) Par le fait qu'il ne se trouve aucune Espèce de clause, soit dans le "Marriage Treaty" de 1661, soit même dans la convention entre le Vice-roi de Goa et Mr. Humphrey Cook en 1669 (convention rejetée par le roi Charles II en 1677), qui garantisse au Portugal quelque droit que ce soit à une juridiction ecclésiastique spéciale sur le territoire de Bombay, quand celui-ci fut cédé à la Couronne Britannique. (Voir l'appendice VIII à ce mémoire pour les documents relatifs à la cession de Bombay. Extraits pris de l'Appendice B au choix des papiers d'Etat, Bombay, Vol. II, Edition de 1887).
- (2) Par le Gouverneur de Bombay Mr. Boone quand, le 16 Mai 1720, il ordonna aux évêques et aux prêtres Portugais de quitter l'île de

Bombay daus les 24 heures, et aussi par la réponse de ce même Gouverneur (23 Mai 1720) aux remontrances du Gouvernement Portugais, contre cette expulsion, spécialement dans ces mots : " Bien que vous ayiez jugé à propos de mentionner une autre Personne royale (c'est à dire Sa Majesté le roi de Portugal), de la part de qui je ne puis ni reconnaître ni tolérer aucun droit de contrôle ou de juridiction ici." (Id)

- (3) Par l'ordonnance du Secrétaire Mr. Page, en date du 2 Août 1791, qui soustrait toutes les églises Catholiques romaines à la juridiction de l'Archevêque de Goa, dont copie est donnée à l'Appendice **II** de ce mémoire. Bien que cette ordonnance ait été modifiée ultérieurement par l'honorable Cour des Directeurs en 1793, le décret de l'honorable Cour ne fait que mettre daus une lumière plus vive les prétentions des Autorités Anglaises à régler les affaires ecclésiastiques des Catholiques romains de Bombay conformément à leurs besoins religieux et sans tenir aucun compte de la couronne du Portugal.
- (4) Par l'importante lettre du Vice-roi des Indes, Lord Minto, à l'Archevêque de Goa, le 18 Décembre 1812, lettre qui dans la suite fut approuvée par la Cour des Directeurs et dont copie se trouve à l'Appendice **III** de ce mémoire. (On remarquera surtout le paragraphe 4 de cette lettre.)
- (5) Par l'extrait de la lettre du Gouverneur de Bombay, paragraphe 29, à la Cour des Directeurs, en date du 11 Mars 1813 ; cité à l'Appendice **IV** de ce mémoire. (La 1^{ère}. et la 4^{ème}. clause de cet Extrait méritent une attention spéciale).
- (6) Par Lord John Russell qui, en 1861, quand des négociations se poursuivaient, eu vue d'un Concordat, entre le Vatican et la Couronne de Portugal, reçut avis " d'empêcher autant que possible le Gouvernement de Sa Majesté de reconnaître les stipulations de ce Concordat." Peu après une déclaration explicite portait que " Le Gouvernement de Sa Majesté ne reconnaissait point le roi de Portugal comme protecteur des Eglises Catholiques Romaines dans l'Inde." (Dépêches du Secrétaire d'Etat pour l'Inde Nos. 5 et 10 de 1861).
- (7) Et enfin par le Gouvernement de l'Inde, dans la récente correspondance concernant la nomination d'un titulaire à l'Aumônerie militaire de St. Thomas' Mount, Présidence de Madras, par l'évêque portugais de Mylapore ; ou il est statué que " le Concordat (de 1886.) n'a pas été

reconnu par le Gouvernement de l'Inde." (Copie d'une lettre du Gouvernement de l'Inde, No. 102, datée du 16 Mars 1889, au Gouvernement de Madras et cotée **V** dans l'appendice à ce Mémoire).

17. Les auteurs de ce Mémoire ont l'honneur de faire remarquer à Votre Excellence que ces exemples et d'autres encore démontrent clairement que le Gouvernement Britannique a, dès le début, explicitement refusé d'admettre que le traité de 1661 ou tout autre document semblable ait reconnu à la Couronne de Portugal ou à des Ecclésiastiques Portugais aucun droit de patronage ou de juridiction, dans l'Inde Britannique, ou ait eu d'autre effet que celui "d'assurer aux Catholiques romains (dans le territoire cédé) une entière liberté d'action dans les choses se rapportant à l'exercice de leur religion," (citation tirée du paragraphe 4 de la lettre de Lord Minto déjà mentionnée.)

De plus, notre Gouvernement n'a jamais hésité, quand c'était nécessaire, à intervenir pour garantir aux Catholiques de Bombay la pleine exemption de toute ingérence Portugaise. Les signataires de ce mémoire soutiennent respectueusement que la conclusion du Concordat de 1886 a de tous points rendu nécessaire l'intervention formelle du Gouvernement de Sa Majesté en faveur de ses sujets Catholiques dans l'Inde Anglaise, eu tant qu'ils sont affectés par ce Concordat et par les prétentions renouvelées et consacrées de la couronne de Portugal aux droits de Patronage dans les possessions de Sa Majesté la Reine Impératrice.

III Partie.—Autres raisons et précédents pour l'abolition du Padroado dans l'Inde Anglaise. (Paragraphe 18 à 30.)

18. En vertu du Concordat de 1886, les Goanais émigrant dans l'Inde Anglaise, sont, par un système de *double juridiction*, exemptés de la juridiction ordinaire de l'évêque diocésain, et ont obtenu des églises *exemptes*. Cependant aucun arrangement semblable n'a été fait en faveur des sujets Anglais placés sous la juridiction d'évêques Portugais, même dans le cas de garnisons anglaises. En pareil cas, les sujets Catholiques anglais doivent se soumettre à l'élu de la Couronne de Portugal comme à leur supérieur ecclésiastique. Belgaum, dans la Présidence de Bombay et St. Thomé, à Madras sont deux exemples de garnisons Anglaises importantes situées sur le territoire anglais et placées entièrement sous la juridiction Portugaise : Belgaum se trouvant sous l'Archevêque de Goa et St. Thomé sous la juridiction de l'évêque Portugais de Mylapore. Ces deux stations sont occupées par des troupes dépendant de l'autorité de Madras, mais elles sont mentionnées dans ce mémoire parce que elles offrent un exemple d'une

des plus criantes anomalies causées par les prétentions de la couronne de Portugal au Patronage sur le territoire anglais.

19. L'attention du Gouvernement de Madras a été appelée sur cette étrange anomalie que des troupes Anglaises (comprenant un grand nombre d'Irlandais, d'Anglais et d'indigènes Catholiques) soient pourvues d'aumôniers Catholiques par des prélats Portugais, qui sont eux-mêmes choisis par la couronne de Portugal. Les dits aumôniers sont des sujets Portugais qui, cependant, en tant qu'Aumôniers des troupes Anglaises réclament les subventions ordinaires accordées par le Gouvernement Anglais. Les sentiments du Gouvernement des Indes sur ce sujet sont clairement exprimés dans une lettre au Gouvernement de Madras, datée du 16 Mars 1889, à propos de la nomination d'aumônier militaire à St. Thomé, Madras, par d'un l'évêque Portugais de Mylapore. (Copie de cette lettre est donnée dans l'appendice V du présent mémoire).

20. Le Gouvernement des Indes, dans sa lettre, spécifie clairement paragraphe 2^{ème}) que "le Concordat (de 1886) n'a pas été reconnu par le Gouvernement des Indes." Cependant, Monseigneur Colgan, Archevêque Catholique de Madras, a les mains liées par ce Concordat, et il a dû renoncer à son ancienne juridiction sur St. Thomé. Eu conséquence de cette renonciation, le Gouvernement des Indes sanctionne la nomination de l'Aumônier militaire par l'évêque de Mylapore ; mais il ajoute cette importante condition : " Le prêtre qui doit être nommé doit toujours être un Européen, *et ordinairement un Européen sujet Anglais* ; mais peut être, dans le cas présent, le Gouvernement de Madras jugera-t-il bon de reconnaître *temporairement, et jusque 'à ce qu'on puisse se procurer un sujet anglais*, la nomination du Rd. B. A. Moreira au poste d'aumônier militaire."

21. Le décret de l'évêque de Mylapore, nommant le prêtre Portugais au poste d'aumônier ne fait aucun cas des conditions spécifiées par le Gouvernement des Indes, bien que la décision formelle du Gouvernement ait été portée à la connaissance de l'évêque de Mylapore, (Mgr. Reed da Silva), comme il ressort de l'ordre émané du Gouvernement de Madras. (No. 3238, à la date du 18 Mai 1889, cité plus bas dans l'Appendice VI). Dans son décret, l'évêque de Mylapore remarque que son droit (de nommer l'aumônier) "est officiellement reconnu" et il dit simplement : " Nous avons jugé convenable de nommer comme. Aumônier, pour le temps qui nous semblera bon, et jusqu' à nouvel ordre, le Rev. B. A. Moreira, professeur de sciences ecclésiastiques dans notre séminaire, assuré que nous sommes de ses mérites et de ses talents." (Paragraphe I de la copie du

Décret, daté du 15 Juillet 1889 ; qui est donné dans l'Appendice **VII** de ce Mémoire.)

22. Les auteurs de la Pétition prient humblement Votre Excellence d'accorder une sérieuse attention à cette question d'Aumôneries militaires Anglaises sous la juridiction Portugaise, au sujet desquelles ils sont entrés dans quelques détails à propos d'un cas spécial, tant à cause de l'importance du sujet que parce que cet acte de l'Evêque de Mylapore touchant l'Aumônerie militaire de St. Thomas' Mount, montre clairement combien ce Prélat Portugais, nommé par la Couronne de Portugal, est enclin à faire peu de cas des instructions du Gouvernement de Sa Majesté la Reine dans l'Inde, et des droits des soldats anglais et des sujets anglais.

23. Le Gouvernement Portugais, en Europe aussi bien que dans l'Inde, a ouvertement soutenu les prétentions de Sa Majesté le Roi de Portugal au Patronage sur l'Inde Anglaise, non par zèle pour la Religion mais par des motifs purement politiques et pour flatter l'orgueil de la nation. Dans les *Cortés Portugais*, aussi bien que dans la presse, "Le Padroado" a été toujours défendu par la raison qu'il conserve au Portugal son "prestige" et qu'il permet à la Couronne de Portugal de faire sentir son influence dans une partie du monde conquise dans les siècles passés par Vasco de Gama et Albuquerque. Ces sentiments patriotiques sont légitimes, mais ils cessent d'être louables lorsque le patriotisme est mis au dessus de la religion et que l'Eglise Catholique dans l'Inde est traitée comme un apanage de la Couronne de Portugal. Ici, dans l'Inde même, un parti de Goanais résidant sur le territoire anglais a pendant de longues années fait de l'agitation à ce sujet et fomenté des dissensions religieuses et des schismes parmi les catholiques romains indigènes résidant dans l'Inde et dans l'Ile de Ceylon. Ce n'est pas l'intention des pétitionnaires de mentionner les fanfarons de ces défenseurs du "Padroado" Portugais sinon pour en tirer un argument de plus en faveur de l'abolition de ce patronage et du Concordat dont il est le fondement.

24. Pour en revenir à l'histoire des relations entre le Gouvernement de Bombay et le Siège Episcopal de Goa, en 1819, Mr. Erskine, dans l'intérêt des autorités anglaises, fit observer que les pernicious effets de l'influence de l'Archevêque de Goa dans l'Ile de Bombay devaient stimuler le Gouvernement à la diminuer graduellement et sans causes de troubles. "Le tort qu'elle nous fait, dit-il, consiste dans cette communication et ces relations constantes avec Goa, par lesquelles cette fraction de catholiques s'accoutument à regarder l'Archevêque de Goa et les Portugais comme leur étant plus dévoués que le

Gouvernement de Bombay et les Anglais. De là, au lieu de se fondre dans la masse de la population et de se considérer simplement comme des catholiques Anglais à l'instar de ceux qui sont soumis au Vicaire Apostolique, (maintenant Archevêque de Bombay), ils forment une sorte de caste séparée au milieu de la communauté, et ils se glorifient d'être Portugais et de dépendre de Goa."

25. Ces paroles sont aussi vraies maintenant qu'elles l'étaient en 1819, quant elles furent écrites, et l'on doit en voir l'explication dans le fait que ces soi-disant Portugais, qui réclament le maintien du "Padroado," ne sont pas natifs de Bombay, Salsette, Bassin ou de quelqu' autre partie du territoire Anglais, mais sont pour la plupart des natifs de Goa, qui quittent leur pays appauvri, à la recherche de quelque emploi temporaire dans l'Inde Anglaise. Les effets désastreux du "Padroado" dans l'Inde Anglaise ont été accrues par le Concordat actuel qui a placé sous la juridiction Portugaise bon nombre de catholiques qui sont sujets de la Reine d'Angleterre et qui n'ont absolument rien de commun avec Goa ou le Portugal.

26. Considérant le point de vue international de la question, les Soussignés vous prient de remarquer que, bien que les Gouvernements catholiques exercent quelques droits de nomination et de veto en ce qui regarde les sièges épiscopaux de leur propre territoire, aucun Gouvernement au monde, excepté le roi de Portugal, n'a jamais osé prétendre à de pareils droits dans les Etats d'un d'un pouvoir étranger.

27. Nous avons quelques exemples de la manière dont certains Gouvernements étrangers ont déjà traité ces prétentions du Roi de Portugal dans l'étendue de leurs états; ils constituent ainsi un précédent favorable au Gouvernement Britannique dans des circonstances semblables. La Hollande ne tolère plus le "Padroado" Portugais dans ses possessions des Indes Orientales. Le Portugal a dû renoncer aux mêmes prétendus droits sur le Japon. Enfin dans le cas du Brésil catholique, la couronne de Portugal dut abandonner ses droits de Patronage, lorsque le Brésil devint indépendant de la mère-patrie.

28. Le Patronage que le Gouvernement Français exerçait sur les missions catholiques en Chine, a été récemment aboli à la demande des missionnaires d'autres nationalités et par l'intervention du Gouvernement Chinois, qui a négocié cette affaire directement avec le Saint Siège. Les signataires du mémoire croient que cet acte tout récent du Gouvernement Chinois est un précieux exemple qui indique au Gouvernement de Sa Majesté le moyen le plus propre d'en finir avec l'existence du Patronage Portugais dans l'Inde Britannique; savoir l'ouverture de négociations directes avec le Saint Siège. Cette dernière

manière est celle qui se recommande le plus aux signataires du Mémoire et à tous les bons catholiques de l'Inde.

29. La voie de négociations directes avec le Saint Siège est encore plus convenable par la raison que les missionnaires catholiques actuellement dans, l'Inde Britannique sont, presque sans exception, de nationalité Allemande, Française, Italienne, Belge au autre, et sont venus pour se vouer aux travaux apostoliques que le Portugal n'est plus capable d'exercer dans l'Inde. En outre, Sa Sainteté, le Pape, est la meilleure et la seule autorité compétente pour représenter les intérêts divers de l'Eglise catholique en Orient.

30. Les signataires de ce mémoire ont été récemment porté à croire que la question du "Padroado" portugais dans l'Inde était traitée à Rome par l'Envoyé extraordinaire de Sa Majesté et Ministre plenipotentiaire auprès du Saint Siège, le Général Sir J. L. A. Simmons, K.C.B., G.C.M.G., R.E., et les secrétaires de l'Union Catholique de Bombay ont écrit de manière privé à ce sujet à l'Envoyé de Sa Majesté.—Sir Lintorn Simmons a cependant répondu (dans ses lettres des 8 et 23 Janvier, 1890, aux secrétaires sus-mentionnés) que la question du Patronage portugais dans l'Inde n'est pas comprise dans l'objet de sa mission spéciale auprès du Vatican, et qu'il a envoyé leurs communications à Votre Excellence. Les soussignés, toutefois, osent respectueusement exprimer la ferme espérance qu'à la réception de ce mémoire de la part des loyaux sujets de Sa Majesté dans l'Inde, Votre Excellence pourra obtenir de sa très-gracieuse Majesté la Reine Impératrice en son Conseil, qu'elle charge son Envoyé au Vatican, d'entrer sans délai en négociations directes avec le Saint Siège sur ce sujet, et d'envoyer une notification formelle au roi de Portugal, déclarant que le Gouvernement de Sa Majesté ne reconnaît nullement les prétentions du Portugal à un Patronage ecclésiastique dans l'Inde Britannique.

(IV. Partie—Conclusion—Paragrapes 31 a 35).

31. Les signataires du mémoire désirent aussi qu'il soit clairement entendu qu'ils n'ont aucune objection à l'égard d'évêques ou de prêtres Portugais, simplement comme tels. Plusieurs des soussignés sont sous la juridiction de ces prêtres et se soumettent volontiers à eux comme à leurs supérieurs ecclésiastiques. Tout ce qu'ils demandent c'est qu'à l'avenir les prélats Portugais viennent directement envoyés par Sa Sainteté, comme c'est le cas pour tous les autres prélats catholiques de l'Inde, et sans l'intervention ou le Patronage d'un pouvoir étranger, tel que celui de Sa majesté le roi de Portugal.

32. Quand aux sujets Portugais résidant temporairement sur le territoire Anglais, les signataires de ce mémoire n'ont nullement l'intention de les priver

du ministère des prêtres appartenant à leur nation et parlant leur langue. Ils apprécient en leur donnant toutes leurs sympathies les sentiments naturels de leurs frères, les Catholiques Portugais et Goanais, sur ce sujet. Ils savent cependant, et l'histoire est là pour le prouver, que le saint Pere s'est toujours montré empressé d'accorder toutes les demandes raisonnables sur ce point, et ils ont la conviction que le Gouvernement de sa Majesté continuera à accorder aux Catholiques qui se trouvent dans de telles circonstances toute facilité d'avoir des prêtres de leur nation.

33. Un simple coup d'oeil jeté sur les noms de ceux qui composent le conseil de l'Union Catholique de Bombay suffit pour montrer que les signataires de ce mémoire ne représentent pas seulement l'élément Européen dans la communauté Catholique de la Présidence de Bombay. Presque la moitié de ceux qui forment le Conseil et une proportion encore plus considérable des membres de l'association sont des Catholiques "East-Indians," c'est à dire des Catholiques nés dans le pays, et portant des noms Portugais. Il y a dans Bombay, Salsette et Bassein 60,000 Catholiques Sujets Anglais sous la juridiction Portugaise, et à peu près 16,000 dans le district de Karwar. Presque tous les Chrétiens indigènes et domiciliés sur l'Inde, ont des noms Portugais sans être sujets du Portugal. Quand dans les siècles passés des natifs de l'Inde étaient convertis à la Foi Catholique par l'influence Portugaise, ils prenaient des noms Portugais. Ils sont cependant sujets Anglais, aussi loyaux que pas un des Catholiques Européens, et sont aussi blessés que ces derniers par l'ingérence de la couronne de Portugal dans leurs affaires ecclésiastiques. C'est ce qui ressort avec évidence des sentiments professés par l' "East Indian Association" de Bombay, qui représente d'une manière toute spéciale les sujets Catholiques de Sa Majesté nés dans l'Inde et résidant dans cette Présidence : ses principaux membres ont apposé leur signature à ce mémoire, comme, un signe qu'il exprime vraiment leurs vues et leurs désirs touchant l'abolition du Padroado Portugais dans l'Inde Anglaise.

34. Les signataires de ce mémoire ont fait parvenir cette humble représentation et les autres documents qui l'accompagnent à Son Excellence le Gouverneur de Bombay avec prière de vouloir bien recommander cette pétition afin qu'elle soit favorablement accueillie et promptement prise en considération par Votre Excellence et par le Gouvernement de Sa Majesté. Une copie de ce Mémoire a été aussi adjointe à la Pétition que les signataires ont adressée sur le même sujet à Sa Sainteté le Pape Léon XIII par l'entremise de Son Excellence Monseigneur Ajuti, Délégué du Saint Siège dans les Indes Orientales.

35. Finalement les signataires de ce mémoire prient respectueusement Votre Excellence de vouloir bien, en raison des circonstances et des motifs exposés ci-dessus, obtenir la cessation du Patronage Portugais dans l'Inde Anglaise, et cela aussitôt que possible, afin que les fidèles sujets Catholiques de Sa Majesté la Reine Impératrice, puissent jouir aux Indes de l'exemption de toute ingérence civile dont jouissent leurs coreligionnaires en Angleterre et dans toutes les autres parties des Etats de Sa Majesté.

Secrétaires

Associés de

l'Union.

Catholique de

Bombay.

(Signé.) J. P. BARRY, B.A., M.B.
Indian Medical Service.

(Signé.) ARTHUR MORIARTY,
Barrister-at-Law,
Civil Service of India.

Bombay Avril, 1890.

Président.

E. F. Nicholson, Esq., Solicitor.

Vice-Présidents.

Colonel P. H. Greig, Commanding 7-Bombay I.

P. Byrne, Esq., Solicitor, High Court.

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Concordat du 23 Juin, 1886, au sujet du 'Padroado' royal portugais
dans les Indes Orientales (texte latin.)

IN NOMINE SSMAE TRINITATIS.

Sanctitas Domini Nostri atque Pontificis Summi Leonis XIII et Majestas Fidelissimi Regis Domini Aloisii I ampliolem Christianae Religionis in Orientalibus Indiis explicationem juvandi provehendique, ac Lusitani Regis in iisdem Patronatum stabili et definitiva ratione ordinandi zelo incensi, Conventionem ambo inire statuerunt, delectis ad id agendum duobus cum liberis mandatis Oratoribus ; nimirum pro S. Sede Emo ac Rmo D. Card. Ludovico Jacobinio, Pontificis Scriba principe ad extranea ; et pro Fidelissimo Rege Lusitaniae, Exemo D. Jo. Baptista De Silva Ferrão de Carvalho Martens, Legato extraordinario, atque exteris Regni negotiis curandis honoris causa adlecto ; quorum uterque amplissimis, quae acceperant, mandatis mutuo ostensis, iisque optima debitaque forma praeditis utrinque compertis, in hos, qui subjiciuntur, articulos conficiendos convenerunt.

ARTICULUS I.—Earum concessionum vi, quas Pontifex jam ante largitus fuit, Patronatum in Cathedralibus Orientalium Indiarum Ecclesiis, Lusitaniae Reges, quatenus per sacros Canones liceat, exercere pergent, juxta eas, quae in hoc Convento expressae sunt, immutationes.

ARTICULUS II.—Quod ad Metropolitanam et, ut ajunt, Primatiale Goae Ecclesiam pertinet, ejus Archiepiscopus Metropolitae jura in Dioeceses, quas Suffraganeas vocant, et ipse exercere perget.

Archiepiscopus interim qui ejus Ecclesiae fuerit, benigna sanctissimi Patris indulgentia, ad patriarchalem in omnes Orientales Indias dignitatem, honoris causa, evehetur ; fruetur insuper omnium earundem Orientalium Indiarum nationalibus Conciliis, quae Goae ut plurimum cogentur, praesidendi privilegio : salvo tamen Romano Pontifici in peculiaribus rerum adjunctis aliter, si Ipsi placeat, disponendi jure.

ARTICULUS III.—Goae Provincia Ecclesiastica, praeter Metropolitanam Sedem hisce tribus Dioecesium constabit : Damaviensi, adscita etiam appellatione —Cranganorensi, Cochinesi, et S. Thomae Meliaporensi.

Sejuncto in folio harum Dioecesium confinia, locaque iisdem subjecta indicabuntur.

ARTICULUS IV.—In Metropolitana Goae Dioecesi, veluti in iis tribus suffraganeis Dioecesium, Jus Patronatus a Lusitaniae Rege exercebitur.

ARTICULUS V.—Ea propter emolumenta, quae ex recenti harum trium Dioecesium, ac proinde novae Provinciae ecclesiasticae, institutione, in illos fideles populos provenire possunt, quidam praecipui ex Goanis Christianarum gentium coetibus, qui in Documento heic adnexo nominantur, attamen in earum trium Dioecesium confiniis minime continentur, iisdem adgregabuntur, locorum morumque ratione habita, quibus illae gentes earundem Dioecesium incolis assimulantur.

In Goanis aliarum Dioecesium, quas vocant, Missionibus singuli earum Episcopi animarum curam Sacerdotibus Goanis vel Lusitanis qui sibi subsunt, prae caeteris concedere debebunt.

ARTICULUS VI.—Lusitani Regni Administratores easdem Dioeceses, Canonicorum Collegia, reliquum Clerum, et clericorum Seminaria congrue dotandi munus curamque suscipiunt : ac religiosum Episcoporum studium in erigendis Scholis et Orphanotrophiis, aliisque id genus piis institutionibus perficiendis, quas Fidelium populorum salus atque Evangelii ceteris gentibus peragenda praedicatio exigunt, efficaci juvabunt opera.

ARTICULUS VII.—Hisce quatuor Dioecesium regendis, Bombayensi videlicet, Mangalorensi, Quilonensi et Madurensi, quae quidem cum ipsa Hierarchia in Indiis constituenda erigentur, Metropolitanis una cum Episcopis suffraganeis, vacantibus Sedibus episcopalibus, quemadmodum etiam vacante Sede archiepiscopali, ejus Provinciae Suffraganei, eligendorum ternarium pro suo lubitu conficient, eumque Goae Archiepiscopo exhibebunt, qui illum ad Lusitaniae Regem mittet : hic vero infra sex menses unum ex iis qui Candidatorum ternario continentur, Sanctae Sedi praesentare debebit : quo quidem temporis spatio praeterlapso, libera electio ad S. Sedem devoluta censebitur.

ARTICULUS VIII.—Summus Pontifex quatuor Dioecesium, quarum in superiore articulo mentio fit, quaeque in ipsa Hierarchiae constitutione peragenda erigentur, Archiepiscopos atque Episcopos primum nominabit.

ARTICULUS IX.—Malacae ac Singapouri Christianae gentes, quae praesenti tempore extraordinariae Goani Archiepiscopi jurisdictioni subsunt, posthac Episcopi Amacai jurisdictioni subdentur.

ARTICULUS X.—Sic itaque regii Patronatus jure ordinato, in universo reliquo Orientalium Indiarum territorio, S. Sedes Episcopos, quos libeat, nominandi, eaque decernendi, quae Fidelium bono opportuna sibi visa fuerint, plena atque integra libertate fruatur.

ARTICULUS XI.—Prioribus concessionibus, quae ad regium in Orientalibus Indiis Patronatum spectabant, ita temperatis ac declaratis, Articuli III. IV. V. VI. atque heic adnexum Documentum A, quod est Conventio sollemniter riteque anno 1857 inita, in sua vi ac robore permanent.

ARTICULUS XII.—Hoc publicum mutuumque pactum, cum iis quae eidem adnectuntur, quaeque illud quodammodo complent, uterque Praeclarissimus pacisens Vir, proprio nomine, ut mos est, subsignato, ratum faciet : atque hae nominum subsignationes, Romae infra tres menses, (imo etiam ante, si quidem fieri poterit) a die quo datae fuerint, alterna earundem traditione, per subscriptos Oratores peragenda, confirmabuntur.

Romae Die XXIII Junii, anno MDCCCLXXXVI.

(L. S.) LUD. CARD. JACOBINIUS.

(L. S.) JO. BAPT. DE SILVA FERRAO DE CARVALHO MARTENS.

To,

The Right Hon'ble the Marquis of Salisbury, K.G.,

HER MAJESTY'S SECRETARY OF STATE

FOR FOREIGN AFFAIRS,

WHITEHALL.

*The humble Memorial and Petition of the Roman
Catholic British Subjects of Her Majesty residing
in the Presidency of Bombay.*

MOST RESPECTFULLY SHEWETH,

1. That your Lordship's Memorialists constitute the Council of the "Bombay Catholic Union," an Association, with local Branches at Poona and Kárwár, which has recently been established in the Presidency of Bombay for the purpose of representing the views and interests of the Roman Catholic subjects, both European and Native-born, of Her Majesty the Queen-Empress of India.

2. That the said loyal subjects of Her Majesty, having full confidence in the desire and the power of her Majesty's Government to secure to them the same freedom from civil interference in their religious worship which is enjoyed by their co-religionists in all the other dominions of the British Crown, humbly beg leave to invite Your Lordship's earnest attention to the provisions of a Concordat which was signed on 23rd June, 1886, between the Holy See and His Majesty the King of Portugal, with respect to the Catholic Church in India and Ceylon.

3. That the principal provisions of the said Concordat are as follow :—
(A translation of the main text of this document is annexed to this Memorial, Appendix I.)

Appendix I.

- (1) The ecclesiastical Patronage (in Portuguese called 'Padroado' i. e. right of advowson) claimed by the Portuguese Crown in the East Indies, is recognized thereby in certain parts of British India.
- (2) The Archbishop of Goa, a Portuguese possession, is to be styled Patriarch of all India and Ceylon : all the ecclesiastical Councils of

the Catholic Church in India and Ceylon are, as a rule, to be held at Goa, under the presidency of the said Archbishop, whose own diocese will include a large tract of British territory. (cf. Article II.)

- (3) This Archbishop, not residing in British territory, will exercise Metropolitan jurisdiction over the three dioceses of Damaun, Cochin, and Mylapore or St. Thomas (Madras), all of which consist entirely of British territory, with the exception of two small patches in Western India (Damaun and Diu). (cf. Article III).
- (4) The King of Portugal will nominate not only the Archbishop of Goa, but also the three Bishops of the Dioceses named in the previous article (cf. Article IV.)
- (5) Further, the King of Portugal is allowed a more limited, but none the less real, privilege of nominating the Archbishop of Bombay, and the Bishops of Mangalore, of Quilon and of Madura. (cf. Article VII.)

4. That it is to be noted that the diocese of Damaun comprises a portion of the city of Bombay itself, while that of Mylapore equally includes a part of the city of Madras. Owing to the recent and untimely death of the Most Rev. Dr. George Porter, S. J., who was the first Archbishop of Bombay, since a Catholic Hierarchy was established in the East Indies, the provisions of Article VII of the said Concordat (referred to in clause 5 of para 3 above) have come into operation. His Majesty the King of Portugal is accordingly claiming, at the present time, to have a voice in the appointment of an Archbishop, whose See lies entirely in British territory and who will exercise jurisdiction only over British subjects.

5. That your Memorialists beg to point out that all these pretensions of the Portuguese Government to interfere in the ecclesiastical affairs of British India are claimed by the Crown of Portugal without the slightest reference to the Government of Her Majesty the Queen-Empress, are not compatible with international law, or with equity or reason, are derogatory to the British Crown, and, under not remote circumstances, might easily carry with them an element of political danger. Your Memorialists are aware that these points have, at different times, been already brought to the notice of Her Majesty's Government, but they beg leave to draw Your Lordship's attention to the fact that it is the first time in the history of British India that a Memorial on this subject has been prepared by a representative body of British Catholics, both European and Native-born, and that the anomalies and the dangers already pointed out have acquired a new and a wider signification since the Concordat now in question was concluded.

6. That, further, Your Memorialists wish it clearly to be understood that, as becomes faithful and loyal Catholics, in no way whatever do they impugn the motives or the action of the Holy See and of their ecclesiastical authorities in this matter. From the history of the Portuguese *Padroado* in India (which will be given below) and from the utterances of various Popes on the subject, they know well what are the true sentiments of His Holiness Pope Leo XIII. regarding the pretensions of the Portuguese Crown. Moreover it is not in the nature of things that His Holiness should willingly have surrendered to His Majesty the King of Portugal that full freedom of action which is allowed to the Roman Catholic Church in all the other dominions of Her Majesty the Queen-Empress, or should have voluntarily yielded to the importunities of a foreign Prince who, contrary to all international law, claimed to exercise ecclesiastical patronage in the dominions of another nation, without the permission or consent of that nation's Government.

7. That your Memorialists' sentiments regarding the religious and the ecclesiastical aspects of this question appear sufficiently from the humble representation which they have forwarded to His Holiness the Pope, a copy of which is appended to this Memorial. They need, therefore, only beg to draw Your Lordship's attention to the 'double jurisdiction' (of the Bishops appointed directly by the Holy See and of those nominated by His Majesty the King of Portugal) which has been recognised and perpetuated in certain places by this recent Concordat. This 'double jurisdiction' has done, and still does, great harm to religious peace among the Catholics in British India. It further causes confusion in matters of administration regarding Chaplaincies, schools, hospitals, cemeteries, etc., as the British authorities find, in many cases, that they have not one but two conflicting Roman Catholic jurisdictions to deal with in one and the same district and town.

8. That, as will clearly appear from documents to be hereafter quoted, the British Government has never recognised but entirely disregarded the ecclesiastical claims of the Portuguese Crown in British India. The Government, however, has until the present time not thought it necessary to declare distinctly that it will no longer tolerate any pretensions on the part of His Majesty the King of Portugal to be considered "the Protector and Patron of the Roman Catholic Church" in British India or allow his nominees, as such, to exercise jurisdiction over British subjects residing in British territory. Your Memorialists most respectfully represent that the time has now come for Her Majesty's Government to make a formal declaration in these terms to His Majesty

the King of Portugal. By such a declaration the anomaly and anachronism of the Portuguese Crown having any right to such a title in British India will cease to exist, and the Concordat, which is based upon these pretensions, will 'ipso facto' become null and void.

9. That Your Memorialists entertain a sanguine hope that on all the considerations to be detailed hereafter, Your Lordship may see your way to recommend the adoption of so simple and so effective a method of guarding the honour of the British Crown, of defending the rights of British subjects, and of co-operating with His Holiness Pope Leo XIII. in securing religious peace and progress among the Roman Catholic population of Her Majesty's dominions in British India.

(Part II. Historical résumé—paras 10 to 17.)

10. That, before Your Memorialists point out the other ways in which Her Majesty's Government and Her Majesty's subjects are injuriously affected by these pretensions of the Crown of Portugal in British India, it is advisable to give a brief historical sketch of the connexion of the Catholic Church in India with Portugal, in order to explain the present situation, and to show that the Portuguese Government has not only no political, but also no moral grounds for the rights claimed by it in British territory.

11. That in the 16th century the Holy See, in consideration of the efforts which the Crown of Portugal made to propagate and to protect the Christian religion in the East, granted to that Crown the title of "Protector and Patron of the Catholic Churches" in India and other Oriental countries, together with the privilege of nominating Bishops and ecclesiastics of the Roman Catholic Church in the East ('Padroado,' Right of Patronage or advowson.)

12. That, however, in the 17th century the Portuguese power in the East fell before the Dutch, and by the conquests of its neighbours and the cession of Bombay to the British in 1661, the possessions of the Portuguese Crown in India so dwindled down that at present they consist of only the territory immediately surrounding Goa (population about 390,000 in 1877) and the small settlements of Damaun and Diu, all situated on the Western coast of India.

13. That even from the 17th century the Crown of Portugal ceased to be able to afford any protection to the existing Christian communities outside its own actual territories, and the fundamental reason, therefore, of the wide privileges granted by the Holy See came to an end. The Portuguese Crown,

moreover, failed to supply the necessary priesthood and endowments for the Catholic Missions in the East, and the Holy See, in order to save Christianity from practical extinction in those parts, was compelled to send Bishops (styled 'Vicars Apostolic') and missionaries to the East without any reference to Portugal and continued to do so until our own days, in spite of the opposition and obstruction of the Portuguese authorities.

14. That, in order to allay the dissensions caused among Catholics in India by the survival of the Portuguese 'Padroado' the Holy See concluded a Concordat with Portugal in 1857. This convention recognised the pretentious claims of the Crown of Portugal to Patronage over the whole of India, and naturally proved abortive. On 23rd June, 1886, the present Concordat was signed, conceding most of the claims of Portugal. Lastly, on 1st September 1886, a Catholic Hierarchy was established throughout India by Pope Leo XIII, and ecclesiastical matters were placed on a regular footing, so far as was allowed by the Portuguese Crown.

15. That, with the exception of the Islands of Bombay and Salsette, it is not even alleged that these pretensions of the Crown of Portugal in India have any diplomatic sanction whatever from the British Government. With reference to Bombay and some surrounding territory, it is sometimes contended by the defenders of the Portuguese Patronage that these claims were recognised and guaranteed by the English Government in the Marriage Settlement Treaty of 1661, and by the terms under which Bombay was actually ceded to the British in 1665.

16. That these contentions, however, have been explicitly denied from the first both by the British Crown and by the British authorities in India, on many occasions, is clearly shown by the following references :—

- (1) By the fact that there is no provision whatever either in the Marriage-Treaty of 1661, or even in the Convention of the Viceroy of Goa with Mr. Humphrey Cook in 1665 (repudiated by King Charles II in 1677), to warrant any claim that special Ecclesiastical jurisdiction was reserved to Portugal in Bombay, when it was ceded to the British Crown. (See Appendix VIII to this Memorial for documents relating to the cession of Bombay. Extracts taken from Appendix B to selections from State Paper, Bombay, Vol. II, Edition 1887).

Appendix VIII.

- (2) By Governor Boone of Bombay, on 16th May, 1720, when he ordered the Portuguese Bishop and priests to leave the Island of Bombay within

24 hours, and in the same Governor's answer (May 23rd, 1720) to the Portuguese remonstrance against this expulsion, especially in the words—"Though you have thought fit to make mention of another Royal Personage (i. e. His Majesty the King of Portugal) which I have no power to admit, or suffer to have any control or jurisdiction here." (id.)

Appendix II.

- (3) By the Proclamation of Secretary Page on 2nd August, 1791, withdrawing all the Roman Catholic Churches in Bombay from the jurisdiction of the Archbishop of Goa, a copy of which is given in Appendix II to this Memorial. Though this order was subsequently modified by the Honourable Court of Directors in 1793, the decree of the Honourable Court only made more clear the claim of the British authorities to settle the ecclesiastical affairs of the Roman Catholics of Bombay according to their religious needs, and without any reference whatever to the Portuguese Crown.

Appendix III.

- (4) By the important letter of the Viceroy of India, Lord Minto, to the Archbishop of Goa, dated 18th December, 1812, which was afterwards approved by the Court of Directors, and a copy of which is given in Appendix III to this Memorial. (Para. 4 of the said letter should especially be noted.)

Appendix IV.

- (5) By Extract para. 29 from the letter of the Governor of Bombay to the Court of Directors, dated 11th March, 1813; quoted in Appendix IV of this Memorial. The first and fourth clauses of this Extract are especially deserving of notice.
- (6) In 1861, when negotiations were in progress for a Concordat between the Vatican and the Crown of Portugal respecting the Indian Missions, by Lord John Russell, who was instructed "to withhold, as far as possible, the recognition of Her Majesty's Government from the provisions of that Concordat." Shortly after, it was explicitly declared that "Her Majesty's Government did not recognise the King of Portugal as Protector of the Roman Catholic Churches in British India." (Despatches of the then Secretary of State for India, Nos. 5 & 10 of 1861.)
- (7) And lastly, by the Government of India in their recent correspondence regarding the filling up of the Military Chaplaincy at St. Thomas' Mount in the Madras Presidency by the Portuguese Bishop of Mylapore, where it is stated that "the Concordat (of 1886) had

not been recognised by the Government of India." (Copy of letter from the Government of India No. 102, dated 16th March, 1889, to the Government of Madras, and marked V in the Appendix to this Memorial).

Appendix V.

17. That Your Lordship's Memorialists beg to point out that these and other instances clearly show that the British Government have, from the first, explicitly denied that the Treaty of 1661, or any other such instrument, gave to the Crown of Portugal or to Portuguese ecclesiastics any rights of Patronage or jurisdiction in British India, or had any other effect than "to secure to the Roman Catholics (in the ceded territory) free liberty of action in matters connected with the exercise of their religion" (to quote from para. 4 of Lord Minto's letter already alluded to). Moreover, our Government have never hesitated, when necessary, to interpose in order to secure to the Roman Catholics of Bombay full freedom from Portuguese interference, and Your Memorialists respectfully urge that the conclusion of the Concordat of 1886 has, on all grounds, rendered necessary the formal interposition of Her Majesty's Government on behalf of Her Roman Catholic subjects throughout British India, in so far as they are affected by this Concordat, and by the revived and continued claim of the Crown of Portugal to rights of Patronage in the dominions of Her Majesty the Queen-Empress.

(Part III. Other Reasons and Precedents for the abolition of the Portuguese 'Padroado' in British India, Paras 18 to 30.)

18. That under the Concordat of 1886 Goanese immigrants in British India are, by a system of 'double jurisdiction' in Bombay and Poona, exempted from the ordinary jurisdiction of the Bishop of the diocese and have been granted "exempted churches." No such arrangement, however, has been made in favour of British subjects placed under the jurisdiction of Portuguese Bishops, even in the case of Military British stations. In such cases Catholic British subjects must submit to the nominee of the Portuguese Crown as their ecclesiastical superior. Belgaum in the Bombay Presidency, and St. Thomas' Mount, Madras, are instances of two important Military stations in British territory, which are placed entirely under Portuguese jurisdiction: Belgaum being under the Archbishop of Goa, and St. Thomas' Mount under the Portuguese Bishop of Mylapore. These stations are garrisoned by troops under the Madras Command, but they are mentioned in this Memorial because they afford an example of one of the most glaring anomalies caused by the pretensions of the Portuguese Crown to Patronage in British territory.

19. That the attention of the Governments of Madras and of India has been drawn to the strange anomaly of British troops (containing many Irish, English, and native-born Catholics) being supplied with Roman Catholic Chaplains by Portuguese prelates, who are themselves nominees of the Crown of Portugal. The Chaplains so supplied are Portuguese subjects who, nevertheless, as Chaplains to British troops, claim the ordinary allowances from the British Government. The sentiments of the Government of India on this subject appear clearly from their letter, dated 16th March, 1889, to the Government of Madras, in connection with the filling up of the Military Chaplaincy at St. Thomas' Mount, Madras, by the Portuguese Bishop of Mylapore. (Copy of this letter is given in Appendix V to this Memorial).

Appendix V.

20. That the Government of India, in this letter, distinctly state (para. 2) that 'the Concordat (of 1886) has not been recognised by the Government of India.' The hands of the Most Rev. Dr. Colgan, Catholic Archbishop of Madras are, however, tied by this Concordat, and he has had to disclaim his former jurisdiction over St. Thomas' Mount. In accordance with this disclaimer the Government of India sanction the appointment of the Military Chaplain by the Bishop of Mylapore, but they add this important qualification:—"The Priest to be appointed should always be an European and *ordinarily an European British subject*, but perhaps in the present case the Government of Madras may think fit to recognise *temporarily, and until a British subject is available*, the nomination of the Rev. B. A. Moreira for the incumbency."

21. That the Decree of the Bishop of Mylapore, appointing this Portuguese priest as Chaplain, entirely disregards the qualifications given in the decision of the Government of India, though the full decision of that Government was brought to the notice of the Bishop of Mylapore (Right Rev. Dr. Reed da Silva,) as appears from the order of the Government of Madras, No. 3238, dated 18th May, 1889, (quoted in Appendix VI below). In his Decree the Bishop of Mylapore remarks that his right (to appoint the Chaplain) is 'officially recognised,' and simply declares that—"We have thought it proper to appoint to the referred Chaplaincy, *for the time we shall think convenient*, and until contrary order, the Rev. B. A. Moreira, professor of Ecclesiastical Sciences in our Seminary, trusting in his merits and qualifications." (Para. 1 of

Appendix VI.

Appendix VII.

the copy of the Decree, dated 15th July, 1889, which is given in Appendix VII of this Memorial).

22. That Your Memorialists respectfully beg to draw Your Lordship's earnest attention to this subject of British Military Chaplaincies under Portuguese jurisdiction, into which they have entered into detail in one instance, because of the importance of the subject, and because the action of the Bishop of Mylapore regarding the Chaplaincy of St. Thomas' Mount clearly shows what little regard this Portuguese Prelate, nominated by the Portuguese Crown, is inclined to pay to the instructions of Her Majesty's Government in India and to the rights of British soldiers and British subjects.

23. That the Portuguese Government both in Europe and in India have openly supported the claim of His Majesty the King of Portugal to Patronage in British India, not from any zeal for religion, but for political purposes and to flatter the vanity of the nation. Both in the Portuguese Cortes and in the Press the 'Padroado' has always been supported on the ground that it preserved the 'prestige' of Portugal, and that it enabled the 'influence' of the Portuguese Crown to be still felt in parts of the world where Vasco da Gama and Albuquerque sailed and conquered centuries ago. All allowance must be made for these patriotic sentiments, but they cease to be praiseworthy when patriotism is put above religion, and the Catholic Church in India is treated as an appanage of the Portuguese Crown. In India itself a section of Goanese immigrants in British territory have for many years agitated on the subject and caused religious dissensions and schisms among native-born Roman Catholics resident in India and in Ceylon. It is not the intention of Your Memorialists to refer to the bombastic vapourings of these defenders of the Portuguese 'Padroado,' except in so far as they supply another argument for the advisability of the abolition of this institution and of the Concordat which is founded upon it.

24. That, to revert to the history of the relations between the Government of Bombay and the See of Goa, in 1819, Mr. Erskine, on behalf of the British authorities, observed that the pernicious effects of the Archbishop of Goa's influence within the Island of Bombay should stimulate Government gradually and quietly to diminish it. "The mischief it occasions is a constant communication with and looking to Goa, whereby that portion of the Catholic inhabitants are taught to consider the Archbishop of Goa and the Portuguese as more their friends than the Bombay Government and the English. Hence *instead of melting away into the great body of the population* and considering themselves merely as English Catholics, as those subject to the Vicar Apostolic (now Archbishop of Bombay) do, they form a sort of separate caste in the middle of the community and glorify themselves on being 'Portuguese' and on their connection with Goa."

25. That these words are as true now as when they were written in 1819, and their explanation is to be found in the fact that the so-called Portuguese, who clamour for the preservation of the 'Padroado,' are not natives of Bombay, Salsette, Bassein and the country belonging to the British, but mostly Goanese natives who quit their own impoverished country in search of temporary employment in British India. These evil effects of the 'Padroado' in British India have been intensified by the present Concordat, which has placed under Portuguese jurisdiction numbers of Catholics, who are British subjects and have nothing at all to do with Goa or Portugal.

26. That, looking to the international aspect of the question, Your Memorialists beg to point out that, though Catholic Powers exercise some rights of nomination and veto over episcopal preferments *in their own countries*, no Power in the world, except the Crown of Portugal, dares to lay claim to such rights in the dominions of another Power.

27. That there are several instances how foreign Powers have already treated these pretensions of His Majesty the King of Portugal in their own dominions, and afforded precedents to the British Government under similar circumstances. Holland no longer tolerates the Portuguese 'Padroado' in her East Indian possessions. Portugal has had to abandon her pretensions to the same in Japan. Also in the case of Catholic Brazil the Portuguese Crown had to renounce its right of Patronage, when Brazil became independent of Portugal.

28. That the Patronage, by the French Government, of Catholic Missions in China was recently abolished, on the representation of the Catholic Missionaries of other nationalities and upon the action of the Chinese Government, which negociated directly with the Holy See on the subject. Your Lordship's Memorialists submit that this recent action of the Chinese Government is a valuable example of the manner in which Her Majesty's Government can most suitably put an end to the existence of the Portuguese Patronage in British India, i. e., by direct negociation with the Holy See. This is the method which most commends itself to Your Memorialists and to all faithful Catholics in India.

29. That the method of direct negociation with the Holy See is also most suitable, looking to the fact that the Catholic Missionaries now in British India belong, almost without exception, to the German, French, Italian, Belgian and other nationalities, who have come to do the Apostolic work which Portugal is

no longer able to perform in India. Moreover, His Holiness the Pope is the best and only authority fitted to represent the varied interests of the Catholic Church in the East.

30. That Your Lordship's Memorialists were lately led to believe that the question of the Portuguese 'Padroado' in India was being treated in Rome by Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Holy See, General Sir J. L. A. Simmons, K.C.B., G.C.M.G., R.E., and the Honorary Secretaries of the "Bombay Catholic Union" wrote unofficially on the subject to Her Majesty's Envoy. Sir Lintorn Simmons, however, has answered (in his letters of the 8th and 23rd January, 1890 to the said Secretaries,) that the question of Portuguese Patronage in India does not come within the scope of his special Mission to the Vatican and that he had forwarded their communications to Your Lordship. Your Memorialists, however, respectfully entertain the sanguine hope that, on receipt of this Memorial from Her Majesty's loyal subjects in India, Your Lordship may induce Her Most Gracious the Queen-Empress in Council to instruct Her Envoy to the Vatican to enter, without delay, into direct negotiations with the Holy See on this subject, and to send a formal notification to His Majesty the King of Portugal that Her Majesty's Government does not recognise His Majesty's claims to ecclesiastical Patronage in British India.

(Part IV. Concluding Remarks. Paras 31 to 35.)

31. That Your Memorialists wish it to be clearly understood that they have no objection whatever to Portuguese Bishops and priests, as such. Many of Your Memorialists are under such priests and willingly submit to them as their ecclesiastical superiors. Nearly all Catholic priests in India belong to foreign nationalities. All that is asked is that Portuguese Prelates should come for the future directly from His Holiness the Pope, as in the case of all other Catholic Prelates in India, and without the intervention or the Patronage of a foreign power such as His Majesty the King of Portugal.

32. That, as regards Portuguese subjects temporarily resident in British territory, Your Memorialists in no way desire to deprive them of the ministrations of priests of their own race and language. They fully appreciate and sympathise with the natural feelings of their Portuguese and Goanese fellow-Catholics on this subject. They know, however, and history proves that

His Holiness the Pope has always been ready to grant every reasonable request on this point, and they feel sure that Her Majesty's Government would continue to give every facility for such Catholics to have priests of their own nationality.

33. That a glance at the names of those who compose the Council of the 'Bombay Catholic Union' will show that Your Memorialists do not represent merely the European element in the Catholic community of the Bombay Presidency. Nearly one half of the Council, and a far larger proportion even of the Association, are East Indian Catholics, i. e., native-born Catholics with Portuguese names. In Bombay, Salsette, and Bassein there are 60,000 Catholic British subjects under the Portuguese jurisdiction, and in the Karwar District some 16,000. Nearly all native Christians in British territory in the West of India have Portuguese names, but are not Portuguese subjects. When natives of India in past times were converted to the Catholic faith by Portuguese influence, they took Portuguese names. They are British subjects, however, as loyal as any of the European Catholics, and they resent just as keenly the interference of the Portuguese Crown in their ecclesiastical concerns. This appears most clearly from the sentiments of the 'Bombay East Indian Association,' which specially represents the numerous Native-born Catholic subjects of Her Majesty on this side of India, and the leaders of which have subscribed their names to this Memorial as a token that it fully and correctly describes their views and wishes regarding the abolition of the Portuguese 'Padroado' in British India.

34. That Your Memorialists have forwarded this humble representation, with its accompaniments, through H. E. the Governor of Bombay with a prayer to His Excellency that he may be pleased to recommend this petition to the speedy and favourable consideration of Your Lordship and Her Majesty's Government. A copy of this Memorial also accompanies the Petition which Your Lordship's Memorialists have addressed on the same subject to His Holiness Pope Leo XIII, through His Excellency Monsignor Ajuti, Apostolic Delegate of the Holy See in the East Indies.

35. That, finally, having regard to all the circumstances and reasons detailed above, Your Memorialists respectfully beg that Your Lordship may procure the cessation of the Portuguese Patronage in British India at as early a date as possible, so that the loyal Catholic subjects of Her Majesty the Queen-

Empress in India may enjoy the same freedom from civil interference as their co-religionists enjoy in England and in all the other dominions of Her Majesty.

And as in duty bound Your
Lordship's Memorialists will ever pray.

BOMBAY, }
April 1890. }

Joint Honorary

Secretaries.

COUNCIL OF THE BOMBAY CATHOLIC UNION.

President.

E. F. Nicholson, Esq., Solicitor, High Court, Bombay.

Vice-Presidents.

Colonel P. H. Greig, Commanding 7-Bo. Inf.

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J. F. Fernandes, Esq., J. P.

M. De Monte, Esq.

L. M. Valladares, Esq., J. P.

H. Kerrigan, Esq.



Appendix I.

*Translation of the Concordat, signed on the 23rd June 1886, between
the Holy See and H. M. the King of Portugal, with respect to the
Catholic Church in India and Ceylon.*

“His Holiness the Sovereign Pontiff Leo XIII. and his Most Faithful Majesty King Louis I. animated with the desire of favouring the progress of Christianity in the East Indies, and regulating in a stable and definite manner the patronage of the Crown of Portugal, have resolved to execute a Concordat. To this effect they have nominated two plenipotentiaries, viz., in the name of his Holiness, his Eminence Cardinal L. Jacobini, his Secretary of State, and in the name of his Most Faithful Majesty, his Excellency John Baptist da Silva Ferrao de Carvalho Martens, Ambassador Extraordinary and Honorary Minister of State, who having exchanged their full respective powers and having found them in good and due form, have agreed to adopt the following articles :—

ARTICLE I.—In virtue of former Pontifical concessions, the exercise of the patronage of the Crown of Portugal will be continued in conformity with the canonical rules in the Cathedral Churches of the East Indies, according to the modifications set forth in the present Concordat.

ARTICLE II.—As to the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the suffragan dioceses. By the gracious concession of his Holiness, the Archbishop *pro tempore* will be raised to the dignity of Patriarch *ad honorem* in the East Indies, and, moreover, shall enjoy the privilege of presiding at the National Councils of the entire East Indies, which will usually assemble at Goa, except the Pope thinks fit to arrange otherwise on particular occasions.

ARTICLE III.—The ecclesiastical province of Goa shall be composed, in addition to the Metropolitan See, of three dioceses; of Damaun (having also the title of Cranganore), of Cochin, and of St. Thomas of Mylapore. The limits of these three dioceses, and of the places subject to them, will be indicated in a separate sheet.

ARTICLE IV.—In the Metropolitan diocese of Goa, as in the three suffragan dioceses, the right of patronage shall be exercised by the Crown of Portugal.

ARTICLE V.—In view of the advantages which, in consequence of the reconstitution of the three above-mentioned dioceses, and therefore, of a regular ecclesiastical province, may accrue in favour of the faithful of those countries, it is agreed that some of the principal groups of Goanese Christian communities, such as are indicated in a special appendix, although not comprised within the limits of the three above-mentioned dioceses, shall, nevertheless, be aggregated thereto having regard to the material and moral elements of homogeneousness which assimilate them to those same dioceses. In the Goanese missions of the other dioceses, the ordinary shall entrust the care of souls by preference to Goanese or Portuguese priests subject to his jurisdiction.

ARTICLE VI.—The Portuguese Government undertakes to make suitable provision for the above named dioceses, chapters, clergy, and seminaries, and co-operate in an efficacious manner in seconding the action of the Bishops, founding schools, orphanages, and other institutions requisite for the good of the faithful, and the evangelisation of the pagan.

ARTICLE VII.—For the four dioceses of Bombay, Mangalore, Quilon, and Madura, which shall be erected by the institution of the Indian Hierarchy, the Metropolitans with the suffragans, during a vacancy in the Episcopal Sees, as well as in the Archiepiscopal See, the suffragans of the province shall, at their free choice, select a trio, and communicate it to the Archbishop, who shall remit it to the Crown, and the latter shall present to the Holy See a candidate out of the three comprised in the trio within a period of six months, after which liberty of choice devolves to the Holy Sec.

ARTICLE VIII.—The Sovereign Pontiff will in the first instance nominate the Archbishops and Bishops of the four dioceses indicated in the preceding article ; dioceses which shall be founded as soon as the constitution of the ecclesiastical hierarchy shall take place.

ARTICLE IX.—The Christian communities of Malacca and Singapore, now dependent on the extraordinary jurisdiction of the Archbishop of Goa, shall be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.—The patronage of the Crown being thus regulated, the Holy See will enjoy full liberty to nominate the Bishops and take what steps it thinks proper for the good of the faithful in all the rest of the territory of the East Indies.

ARTICLE XI.—The preceding concessions relative to the patronage of the Crown in the East Indies being thus modified and interpreted, Articles 3, 4, 5, 6, and the appendix A of the Concordat of 1857 remain in force.

ARTICLE XII.—The present treaty with its appendix, which forms an integral part of it, shall be ratified by the principal contracting parties, and the ratifications shall be exchanged at Rome within the term of three months from the date of signature, or before, if possible.

(Signed) LUD. CARD. JACOBINIUS,

(Signed) JO. BAPT. DE SILVA FERRAO DE CARVALHO MARTENS.

Rome, 23rd of June, 1886.

Appendix II.

*Copy of the Proclamation issued by the Secretary William Page
on 2nd August, 1791.*

PROCLAMATION.

“The Honourable the Court of Directors of the Honourable English East India Company, having been pleased to order that the ecclesiastical jurisdiction “of the Roman Catholic Churches under this Government, shall be withdrawn “from the Archbishop of Goa and restored to the Carmelite Bishops of the “Apostolic mission : The President in Council has accordingly resolved, that “the said restitution shall take place on the 1st of the ensuing month ; from which “time he hereby enjoins all the Catholic inhabitants in Bombay, as well as at the “several factories and settlements subordinate thereto, to pay due obedience in “spiritual matters to the said Bishops, on pain of incurring the severe displeasure “of Government.”

By order of the Honourable
the Governor in Council.

Bombay Castle, }
2nd August, 1791. }

(Signed) WILLIAM PAGE,
Secretary.

Appendix III.

*Copy of the letter of Lord Minto to the Archbishop of Goa,
dated 18th December 1812.*

EXTRACT BENGAL POLITICAL.

Consultations, 18th December, 1812.

Resumed consideration of a letter from the Envoy at Goa, dated the 29th of August, recorded on the Consultations of the 16th of October.

To the Right Reverend FR. MANOEL, Archbishop of Goa, etc. etc.

REVEREND SIR,

1. I have had the honour to receive, through the Envoy at Goa, your Excellency's esteemed letter, appealing against the determination of the Honourable the Governor in Council of Bombay on the subject of the nomination of vicars to the Roman Catholic parochial Churches within the jurisdiction of that presidency.

2. Before the receipt of your Excellency's letter the proceedings of the Government of Bombay on this subject had been communicated to me ; and, after maturely considering all the circumstances of the case, I found ample cause, in conjunction with my colleagues, to signify our entire concurrence in the sentiments which the Honourable the Governor had the honour of stating to your Excellency on that occasion.

3. In conformity both to a stipulation of the treaty by which the island of Bombay was transferred to the British Crown, and to the established principles of the British Government, we must consider the Roman Catholics of Bombay to be entitled, in the fullest sense of the expression, to the free and uncontrolled exercise of their religion, equally with respect to matters of spiritual jurisdiction as to rites and modes of worship, the Government of Bombay retaining the acknowledged power of confirming clerical appointments recommended by the voice of the people.

4. The article of that treaty which relates to the Roman Catholics, contains no provision subjecting them to the authority of the episcopal see of Goa. Its provisions are, indeed, the very reverse of restrictive. Its object was to secure to the Roman Catholics free liberty of action in matters connected with the exercise of their religion. The British Government, therefore, cannot, consistently with that article of treaty, adopt any measure which would have the effect of controlling a liberty so solemnly guaranteed.

5. The power of confirmation above alluded to is necessarily vested in the Government, under the protection of which the Roman Catholics reside. It is necessary, for the preservation of order and tranquillity which might be disturbed by the induction of pastors of turbulent and insubordinate characters, or, of dispositions hostile to the local authority. But that power must not be exercised with reference to prejudices or partialities on the part of Government in matter of a religious nature, but exclusively with a view to the civil and political interests of the settlement over which they preside.

6. The British Government does not take upon itself to decide the degree in which the members of the Church of Rome, residing in the territory of Bombay, shall be subject to the spiritual jurisdiction of the See of Goa; this is an affair of conscience, in which they are exclusively concerned: to compel them, therefore, against their avowed inclination, to receive a priest whom your Excellency may think proper to appoint for the discharge of the duties of the parochial Roman Catholic Church of Bombay, would evidently be to refuse to the members of that church the liberty of conscience, which is the very essence of toleration. On the other hand, if the Catholics of Bombay shall think proper to concur in your Excellency's nominations, the British Government will not hesitate to confirm them, provided no political objections shall oppose such confirmation.

7. These are the principles which have governed, and must continue to govern, the conduct of the local authority of Bombay, with respect to the ecclesiastical concerns of its Roman Catholic subjects. Those principles have been recognised and prescribed by the authorities to which the Government of India are subordinate; and it must be obvious to your Excellency that we have not the power to depart from them.

8. I entertain a veneration for your Excellency's high office, and the highest respect for your Excellency's person and character: and I lament the impossibility of gratifying, on this occasion, my sincere disposition to conform to your Excellency's wishes, consistently with the observance of those principles which are consecrated by national engagements, by the laws of my country, and by the commands of my superiors.

I have etc.

Fort William,
18th December, 1812. }

(Signed) MINTO.

Appendix IV.

Extract para. 29, from the letter of the Governor of Bombay to the Court of Directors, dated 11th March, 1813.

29. Our decision, as your Honourable Court, will observe by our proceedings, was founded on a full review of all the correspondence on our records as well with the authorities at Goa as with your Honourable Court, from the earliest period, on the subject of Roman Catholic jurisdiction within this island, from which it appeared to us to be evident:—

First, That the treaty between the Courts of England and Portugal, on the cession of this island, while it stipulated “that the inhabitants should enjoy the free exercise of the Roman Catholic religion,” did not secure to the Archbishop of Goa the continuance of the control which His Excellency had been accustomed to exercise when it was subject to the Crown of Portugal; that therefore a prohibition of the exercise of such authority could not militate with the provisions of that treaty; and that if the Archbishop’s jurisdiction should be tolerated, there was too much reason to apprehend that the Roman Catholic inhabitants would be restrained “in the enjoyment of the free exercise of the Roman Catholic religion.”

Secondly, That the spirit as well as the letter of the orders of your Honourable Court, clearly prescribe an inhibition to the exercise of the spiritual jurisdiction of the Archbishop of Goa over this island, expressly directing that pastoral selection should be made by the inhabitants themselves subject only to the approval and confirmation of Government, whilst, in respect to private chapels, they were to be served by such priests as their respective founders or their successors should think proper to select, subject, as in the case of public churches, to the approbation of the Government alone.

Thirdly, That notwithstanding these prohibitory orders, it appeared that the respective Archbishops of Goa had seized every opportunity to introduce a succession of priests, and of exercising a jurisdiction in this island, that they had promulgated pastoral mandates, which had proved offensive to the inhabitants, and objectionable to Government, and although in some recent instances the late administration of this presidency had, perhaps out of respect to the rank and situation of the late Archbishop, incautiously acquiesced in and confirmed his Excellency’s recommendation of individuals, in cases wherein the persons so selected had not been objected to, by the parishioners, it did not follow that such

casual toleration should be allowed to the present primate (who has recently succeeded to the sacred chair) to assume, and arbitrarily to exercise powers which virtually do not belong to him.

Fourthly, That it was essential to the peace and happiness of the Roman Catholic inhabitants, in matters of conscience, and the due and undisturbed exercise of their religion, that no foreign spiritual jurisdiction should be allowed to be exercised over the Roman Catholic Churches on this island.

Appendix V.

From A. P. MacDonnell, Esq., C. S. I., Secretary to the Government of India, to the Secretary to the Government of Madras, dated Calcutta, the 16th March 1889, No. 102 :—

I am directed to acknowledge the receipt of your letter No. 77, dated the 9th January 1889, in which you submit for orders the request of the Bishop of Mylapore to be recognised as the sole ecclesiastical superior of the Roman Catholic community including the British troops at St. Thomas' Mount, and, as such, entitled to nominate Roman Catholic Chaplains for the military cantonment of St. Thomas' Mount, and also to address Government direct in all matters connected with the Chaplaincy at that station. These requests are based on the concordat recently entered into between His Holiness the Pope and the King of Portugal, by which the military cantonment of St. Thomas' Mount—a former ecclesiastical charge of the Right Rev. Dr. Colgan, Archbishop of Madras—is now placed under the spiritual jurisdiction and authority of the Bishop of Mylapore.

2. In reply I am desired to state that the concordat has not been recognised by the Government of India, and that the only question in this connection which it is called on to consider is the appointment of Roman Catholic Chaplains to the troops stationed at St. Thomas' Mount. Regarding this question, it appears that Archbishop Colgan disclaims jurisdiction over St. Thomas' Mount, and represented that the proper person to nominate the Chaplains there is the Bishop of Mylapore. In these circumstances, the Government are willing to continue the allowance to the priest who may be nominated by the Bishop of Mylapore, provided such priest is a suitable person to minister to British soldiers. The Priest to be appointed should always be an European and ordinarily an European British subject, but perhaps in the present case the Govern-

ment of Madras may think fit to recognise temporarily, and until a British subject is available, the nomination of the Rev. B. A. Moreira for the incumbency.

3. I am to add that the Bishop of Mylapore's correspondence direct with Government should be limited to matters connected with the nomination of Chaplains for St. Thomas' Mount, as the Army Regulations require all returns to be submitted by the Archbishop of Madras, and a special allowance is assigned to him in consequence.

4. I am to request that, with the permission of His Excellency the Governor in Council, these orders may be communicated to the Bishop of Mylapore.

Appendix VI.

*Order thereon of the Government of Madras, Military
Department, Ecclesiastical.*

18th May, 1889, No. 2328.

The decision of the Government of India communicated to H. E. the Commander-in-Chief, the Most Rev. Archbishop Colgan, the Right Rev. Bishop Reed da Silva, and also to the Ecclesiastical Department.

(True Extract.)

(Signed) A. KENNEY-HERBERT, BRIGADIER-GENERAL,

Secretary to Government.

Appendix VII.

Extract from page 14 of the official Journal (Boletim) of the Portuguese Diocese of Mylapore (San Thomé de Meliapor), Madras Presidency, for the month of August 1889.

BISHOPRIC OF MYLAPORE.

DECREE.

The military chaplaincy of St. Thomas' Mount, formerly subject to the jurisdiction of His Grace the Archbishop of Madras is now included within the continuous territory which late Concordat has assigned to the diocese of Mylapore—and it being Our (*sic*) in quality of the diocesan prelate to depute and nominate the respective chaplains, as is officially recognised by the Supreme Government of British India, in their Order, No. 3238, dated the 18th May of the current year, We have thought it proper to appoint to the referred chaplaincy, for the time We shall think convenient and until contrary orders, the Rev. Basil Antunes Moreira, professor of ecclesiastical sciences in our seminary, trusting in his merits and qualifications.

In virtue of which, We grant him the necessary jurisdiction, powers and canonical faculties, in order that he may validly and licitly exercise all the acts and functions proper to the parochial ministry in the military chapel of St. Thomas, designating to him as his spiritual subjects, not only the Catholic soldiers and their families in St. Thomas' Mount, without excepting the pensioners, but also all other Europeans and their descendants who may have domiciled or who may hereafter domicile in the same locality, whom we declare exempt from the jurisdiction of the local vicar, and subject them to that of the said chaplain, for all effects.

The chaplain will take the customary oath before Our Vicar-General, and the charge of the new appointment will be made over to him by the missionary, the Rev. Fitzpatrick, who was charged with the mentioned chapel by Our delegation.

This our decree after being competently registered, a copy will be sent to the nominee and to the Vicar of St. Thomas' Mount, the competent provision being despatched by Our Chancery.

We command therefore all those who will have the knowledge of the present decree to understand and comply with it accordingly.

Episcopal residence of Westlake 15th day of July 1889.

(Signed) HENRY, BISHOP OF MYLAPORE.

(True Copy.)



Appendix VIII.

(a) Article XI of the Portuguese Marriage-Treaty of 23 June, 1661.

That for the better improvement of the English interest and commerce in the East Indies, and that the King of Great Britain may be better enabled to assist, defend, and protect the subjects of the King of Portugal in those parts from the power and invasion of the States of the United Provinces, the King of Portugal, with the assent and advice of his Council, gives, transfers, and by these presents grants and confirms to the King of Great Britain, his heirs and successors for ever, the Port and Island of Bombay in the East Indies, with all the rights, profits, territories, and appurtenances whatsoever thereunto belonging; and together with the income and revenue, the direct, full and absolute dominion and sovereignty of the said port, island, and premises, with all their royalties, freely, fully, entirely and absolutely. He also covenants and grants that the quiet and peaceable possession of the same shall with all convenient speed be freely and effectually delivered to the King of Great Britain or to the persons thereto appointed by the said King of Great Britain for his use. In pursuance of this cession, the inhabitants of the said island (as subjects of the King of Great Britain, and under his sovereignty, crown, jurisdiction, and Government) being permitted to remain there and to enjoy the free exercise of the Roman Catholic religion in the same manner as they do at present, it being always understood, as it is now declared once for all, that the same regulations shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier and all other places which shall be ceded and delivered by the King of Portugal into the possession of the King of Great Britain, as were stipulated and agreed to on the surrender of Dunkirk into the hands of the English: and when the King of Great Britain shall send his fleet to take possession of the said Port and Island of Bombay, the English shall have instructions to treat the subjects of the King of Portugal throughout the East Indies in the most friendly manner, to help and assist them, and to protect them in their trade and navigation there.

(b) Para. 4 of the Treaty or articles on which the Viceroy of Goa, delivered up the Island of Bombay to Humphrey Cook, 14 January, 1665.

That the English gentlemen shall not interfere in matters of Faith, nor will compel the inhabitants of the said Island of Bombay neither directly or indirectly to change their Faith or to go and attend their Sermons, and shall allow the Ecclesiastical Ministers the exercise of their jurisdiction without the least impediment, being a condition mentioned in the Articles of Peace, under

which the delivery of the Island is ordered to be made, and making out any time to the contrary it is understood, that the whole agreed upon and promised will be violated, and that the right of the said Islands shall fall again into the Crown of Portugal.

(c) Extract from first para. of Letter, dated 10 March 1676-77, from Charles II. to the Viceroy of Goa repudiating Mr. Humphrey Cook's Treaty or Convocation.

His Majesty King Charles II protested that "Our sovereign rights in the Port and Island of Bombay and their Dependencies will be vindicated from that very unjust capitulation which Humphrey Cook was forced to submit to at the time when that place was first transferred to our possession, which capitulation neither he, Humphrey, was empowered to come into, nor any one else to impose upon him, in contravention to a compact framed in so solemn and religious a manner. We therefore, are determined to protest against the said capitulation as prejudicial to our Royal dignity and derogatory to our right."